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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Date of Decision: 26th June, 2024***

+ **MAT.APP.(F.C.) 199/2024 & CM APPLs. 35550/2024 & 35551/2024**

TANUJ DHAWAN Appellant

Through: Appellant in person.
(M): 9891011363
Email: tanuj_physics@yahoo.com

versus

SONICA SINGHI Respondent

Through: None.

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA
HON'BLE MR. JUSTICE DHARMESH SHARMA

MINI PUSHKARNA, J (ORAL)

CM APPL. 35550/2024 (for exemption)

1. Exemption allowed, subject to just exceptions.
2. Application is disposed of.

MAT.APP.(F.C.) 199/2024 & CM APPL. 35551/2024

3. The present appeal has been filed impugning the order dated 07th June, 2024 passed by the learned Family Court, North West District, Rohini, Delhi, in *HMA 2355/2021*, for custody of the minor child during summer vacation, in summer vacation application.
4. Mr. Tanuj Dhawan, appellant appears in person, and submits that he is



challenging only part of the order dated 07th June, 2024 concerning custody of the minor son during the summer vacation.

5. During the course of hearing, the appellant submits that the custody of the child was handed over to him yesterday, i.e., 25th June, 2024. He further submits that the child remained with the appellant-father for a period of four hours, after which the custody of the minor child was returned to the respondent-mother.

6. This Court has perused the order dated 07th June, 2024 passed by the learned Family Court.

7. Perusal of the order passed by the learned Family Court shows that the learned Family Court interacted with the minor child on 22nd May, 2024, and in this regard the learned Family Court, has held as follows:-

“xxx xxx xxx

10. Thereafter, on 22.03.2024, petitioner/mother filed an application for modification/recalling of order dated 15.03.2024 on the grounds as already stated above. On 22.05.2024, Court has interacted with the child, who appears to be very smart and cultured and he stated as under:-

“His name is Kirtish and he is 7 years of age. He is studying in 3rd class in Rukmani Devi Public School, Delhi. He is residing with his mother who is a professor. His father is also a professor. He lastly met his father in the Court in April, 2024. He likes his mother and father both. He loves his both parents. He is comfortable with his father only for two to three hours in the absence of his mother but not for the whole day”.

xxx xxx xxx”

8. Thus, on account of the interaction with the minor child, wherein, the minor child expressed that he is comfortable with the father only for 2-3 hours in the absence of his mother, the learned Family Court with respect to the plea for overnight custody held as follows:-



“xxx xxx xxx

12. As for the overnight custody, it can be decided in future on the basis of child's bonding with his father. By starting with daytime visits and gradually introducing overnight stay will ensure the child's emotional stability and comfort. This approach allows the child to adjust with his father without any stress and discomfort.

13. Accordingly, it is ordered that unsupervised visitation right of the minor child is granted to the respondent on 01st and 03rd Saturday of every month from 10.00AM to 2.00PM at the residence of the respondent. Respondent is directed to pick up and drop the child from/at the residence of the petitioner on the scheduled date and time. Respondent/father is also permitted to interact with the child through video call on 02nd and 04th Saturday of every month from from 6 PM to 7PM.

xxx xxx xxx”

9. Thus, it is manifest that the learned Family Court is alive to the situation and has taken into account the child's emotional stability and comfort, and in that context has held categorically, that as regards overnight custody, the same can be decided in future on the basis of child's bonding with his father. Further, by way of the impugned order, unsupervised visitation right of the minor child has been granted to the appellant on 1st and 3rd Saturday of every month, from 10:00 AM to 2:00 PM.

10. This Court also notes the submission made by the appellant that the custody of the minor child was granted to the appellant yesterday, i.e., on 25th June, 2024, in accordance with the directions dated 07th June, 2024, passed by the learned Family Court.

11. In view of the aforesaid, the plea of the appellant, with respect to granting custody of the minor child for the remaining summer vacations to him, cannot be countenanced.

12. Accordingly, no further orders are required to be passed in the present appeal.



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13. The appeal is accordingly, disposed of.

**MINI PUSHKARNA
(VACATION JUDGE)**

**DHARMESH SHARMA
(VACATION JUDGE)**

JUNE 26, 2024/c