



\$~8

\*

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

+

**W.P.(CRL) 2265/2024**

**PRIYA RANJAN**

.....Petitioner

Through: Mr. Amit Kumar and Ms. Pooja  
Kumari, Advs. along with Petitioner.

versus

**THE STATE OF NCT OF DELHI & ORS.**

.....Respondents

Through: Ms. Akanksha Sisodia, Adv. for R-2  
with R-2 in person.  
Mr. Suresh Pal, Legal Assistant for  
CSKM Public School.  
Inspector Sandeep Rathi, ASI Padam  
Singh, PS Madhu Vihar.

**CORAM:**

**JUSTICE PRATHIBA M. SINGH**

**JUSTICE AMIT SHARMA**

**ORDER**

%

**30.09.2024**

1. This hearing has been done through hybrid mode.
2. The present writ petition has been filed by the Appellant- Mr. Priya Ranjan, under Article 226 of the Constitution of India read with Section 528 of BNSS, seeking a writ in the nature of *habeas corpus* for production of his minor son - Master 'X' aged about 10 years.
3. The brief facts of the case are that the Petitioner and Respondent No.2 - Ms. Alka Ranjan, solemnized their marriage on 26th November, 2011, and the said parties were blessed with a son - Master 'X' on 27th May, 2014. It is stated that the Petitioner and Respondent No. 2 have been living separately since 06th October, 2020, and the child has been residing with the mother- Respondent No.2.



4. It is stated that the Respondent No. 2 filed against the Petitioner ***Complaint Case No. 4/ 2021*** under Section 12 of Domestic Violence Act before Id. Mahila Court, Karkardooma, Delhi. On 17th August, 2021 the Id. Mahila Court passed an order directing the Respondent No. 2 to arrange meetings between the Petitioner and Master 'X' through whatsapp and every Saturday and Sunday. It is alleged that the Respondent No. 2 did not comply with the aforesaid directions. It is further stated that on 27th May, 2023 the Id. Mahila Court after noting that the child - Master 'X' was willing to meet his father, granted visitation rights to the Petitioner on the second and fourth Saturday of each month.

5. It is stated that in the meantime, the Petitioner filed a petition under Section 25 and 7 of the Guardians and Wards Act, seeking custody of Master 'X'. On 22nd May, 2024, it is stated that the Respondent No. 2 informed the Id. Mahila Court that the child has been admitted to a boarding school in Mysore.

6. The Petitioner has preferred the present petition alleging non-compliance by the Respondent No. 2 of the order dated 27th May, 2023 passed by the Id. Mahila Court.

7. On 2nd August, 2024 this Court had a detailed interaction with Master 'X' on video conferencing from Mahabodhi School in Mysore, where he is stated to be studying. Considering the interaction with the child and his wellbeing this Court passed the several directions. The relevant portion of the said Order is as under:

*“7. The overall impression that the Court has gathered from the interaction is that the child would be emotionally and mentally more stable, if he lives in Delhi with his mother. Moreover, the child has*



*been admitted to a school so far from Delhi that the interim arrangement made by the trial court permitting the father to meet the child has been rendered ineffective. The father's grievance is that he was not even told of the moving of the child to such a faraway place.*

*8. The mother i.e., wife of the Petitioner has expressed difficulty in taking care of the child on a daily basis due to her job which requires her to travel Mumbai, Bengaluru and Manesar regularly. The mother has also stated that the father has not contributed sufficiently for the child's education and she would be unable to bear the expenses of educating the child in Delhi.*

*9. Under these circumstances, the following directions are issued:*

*a) Both the parents shall place on record, details of any boarding school/s in and around Delhi and in the NCR region, which would be within their respective budgets for the admission of the child, in the form of a chart and addresses of the said schools, as also the annual fee and other expenses charged by the schools.*

*b) The father i.e., the Petitioner shall place on record the complete chart of educational expenses incurred by him for the education of the child as also the amount of maintenance paid to the wife till date.*

*c) The father and the mother are free to interact with the child through video calling or audio calling, considering that the child appears to be requiring some emotional support.*



*d) If either the father or mother wishes to visit the child in the school, the school authorities shall permit the parents to visit the child and spend some time with him.”*

8. On 27th August, 2024 the Petitioner and Respondent No. 2 were directed to shortlist 3 or 4 schools among the list furnished by them. It is noted that the Petitioner had agreed to deposit the entire fee for the remaining academic session with the boarding school so chosen by the parties.

9. On 19th September, 2024 the parties informed this Court that *CSKM Public School, Chhatarpur, Delhi* has been chosen by them as the preferred school for Master 'X'. Further, on the said date the Court directed the representative of the said school to be present on the next date of hearing. However, none appeared for the said school on 24th September, 2024. Accordingly, it was directed that a senior official of the School be deputed to attend the proceedings before this Court on the next date of hearing.

10. Pursuant to the previous order dated 24<sup>th</sup> September, 2024, the school is duly represented before this Court by Mr. Suresh Pal, Legal Assistant for the CSKM Public School. He has handed over to this Court the various fee components for the partial academic year 2024-25 at the said school. The details of the fee has been divided into two sub-heads which can be summarized as follows: -

- a) One time fee at the time of admission amounting to Rs. 23,910/-;
- b) Half yearly fee from October 2024 to March 2025 amounting to Rs. 2,08,291/-.

11. In addition, it is stated that the personal belongings would cost approximately amounting to Rs.15,000/- to Rs.20,000/-.



12. After hearing Id. Counsel for the parties and also bearing in mind the fact that in this case, due to the shifting of the child without permission of the Id. Metropolitan Magistrate of the Mahila Court, Karkardooma, as also bearing in mind the visitation rights given to the father *vide* order dated 27<sup>th</sup> May, 2023 which is completely set at naught due to the shifting of the child a boarding school in Mysore, this Court directs as under:

- i. The amounts of Rs. 23,910/- shall be borne by the Respondent No. 2/mother and shall be paid by her to the school along with the cost of any personal belongings which the school may inform her;
- ii. Amount of Rs. 2,08,291/- shall be paid by the present Petitioner to the school;
- iii. Both the amounts shall be paid by 2<sup>nd</sup> October, 2024 so that the transfer of the child from Mahabodhi School, Mysore, Karnataka to CSKM Public school, Delhi is not delayed in any manner;
- iv. With effect from 3<sup>rd</sup> October, 2024, the child shall start attending the school in Delhi at the CSKM Public School. All the admission formalities shall be completed by both parents *i.e.*, Petitioner and Respondent No. 2, before 3<sup>rd</sup> October, 2024 to ensure that there is no delay in the child attending the said school at Delhi.

13. The Id. Metropolitan Magistrate, Mahila Court, Karkardooma had, *vide* order dated 27<sup>th</sup> May, 2023, granted visitation rights to the Petitioner which are as under: -

*“Child is willing to meet the father on second and fourth Sunday of every month. Complainant does not object the same, separate statement of the complainant is recorded to that effect.”*



*The father shall pick up the child at 11 AM from the house of the complainant and drop the child back at 6 PM to the house of the complainant on second and fourth Sunday of every month. If in case visit on second or fourth Sunday is missed, the same shall be adjusted with any other Sunday according to the mutual coordination of the parties.”*

14. Considering the above order and the fact that various events have transpired post the order being passed by the learned Metropolitan Magistrate, the following arrangement is put in place:

- a. The Petitioner/father and the Respondent No. 2/mother are free to visit the child every weekend or whenever they wish to do so subject to the visiting policy of the CSKM Public school, Delhi.
- b. If the child is to be taken home, the father and the mother shall do so on alternate weekends for one night each.
- c. Both the parents shall be added into any WhatsApp groups or any other parent groups created by the said School so that they are duly notified of the progress of the child.
- d. In case of health related issues or any other medical exigency or for any other reason if the school wishes to contact the parents, the school is free to contact both the parents.

15. The mother has informed this Court that the full fee for the current academic year at Mahabodhi School, Mysore, Karnataka has been paid. In view thereof, no additional tuition fee shall be charged by the CSKM Public school.

16. The father is free to travel to Mysore and bring the child to Delhi to ensure that he may be admitted to CSKM Public School from 3<sup>rd</sup> October,



2024.

17. The Mahabodhi School, Mysore, Karnataka is directed to hand over the child to the father so as to enable him to bring him to Delhi and admit his child in the CSKM Public School.

18. It is made clear that for the next academic years, the father and the mother shall bear all expenses of Master 'X' 50%-50% each.

19. The above arrangement is subject to any orders passed by the court of competent jurisdiction in appropriate proceedings.

20. Copy of the order be communicated to Mahabodhi School, Mysore, Karnataka, for information and compliance.

21. The present writ petition is disposed of. All pending applications are also disposed of.

**PRATHIBA M. SINGH, J**

**AMIT SHARMA, J**

**SEPTEMBER 30, 2024**

*dj/ms*