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IN THE HIGH COURT OF DELHI AT NEW DELHI

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MAT.APP.(F.C.) 380/2023 and CM APPL. 66376/2023, CM APPL.66378/2023, CM APPL. 33204/2024, CM 72370/24

SH ANOOP SEHRAWAT AND ANR

....Appellants

Through: Mr. Praveen Suri, Advocate.

versus

SMT POONAM SEHRAWAT AND ANR

.....Respondent

Through: Mr. Prashant Tripathi, Mr. Vikas Kumar and Ms. Sampanna Pani, Advocates.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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10.12.2024

1. The present appeal filed by the appellants under Section 19 of the Family Courts Act, 1984 read with Section 47 of the Guardian & Wards Act, 1890 seeks to assail the order dated 30.11.2023 passed by the learned Family Court, Patiala House Courts, New Delhi in G.P. No.5/2023. Vide the impugned order, the learned Family Court has rejected the petition preferred by the appellants, who are the grandparents of the two minor children of the parties, who are presently in the custody of the appellants by holding that a guardianship petition at their behalf was not maintainable when both the natural parents of the children were available.

2. After some arguments, learned counsel for the appellants submits that since the son of appellant i.e. the father of the minor children, is now residing with them and is in fact actively taking care of the minor children,



the appellants instead of pressing the present appeal will oppose the guardianship petition preferred by the respondent – mother, which is still pending consideration before the learned Family Court.

3. In light of the aforesaid, the appeal is dismissed as not pressed, making it clear that it will be open for the appellants as also their son to raise all permissible grounds in the pending guardianship petition preferred by the respondent – mother.

4. However, in the peculiar circumstances of the present case, where the appellant claims that now their son has fully recovered and is in a position to take care of the minor children, we direct that the interim arrangement directed by this Court on 14.03.2024 will continue to govern the parties till the guardianship petition preferred by the respondent-mother is decided or the said order is modified by the learned Family Court. We, therefore, make it clear that this order will not come in the way of the learned Family Court from passing any appropriate orders for modification of this arrangement in the pending guardianship petition.

5. The appeal alongwith all pending applications stands disposed of in the aforesaid terms.

REKHA PALLI, J

SAURABH BANERJEE, J

DECEMBER 10, 2024/uk