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

+ MAT.APP.(F.C.) 346/2024 & CM APPL. 61934/2024 -Stay

CM APPL. 61935/2024 –Ex.

HARNEET SINGH

.....Appellant

Through: Mr. Prateek Goswami, Mr. Shashank Goswami, Ms Shruti Shukla, and Ms. Harpreet Kaur, Advs.

versus

DEVPRIYA SINGH

.....Respondent

Through: Mr. Jatin Chaudhary and Ms Kusum Bidhuri, Advs. with respondent and her father in person.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

21.10.2024

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1. The present appeal under Section 19 of the Family Court Act, 1984 seeks to assail the order dated 08.10.2024 passed by the learned Family Court in HMA No. 231/2022. Vide the impugned order, the learned Family Court has allowed the respondent/wife's application by issuing the following directions:

“Heard. Record perused.

The minor child is 6 years old and he is in the care and custody of the respondent/mother. The respondent wants to take the minor child to the USA in the upcoming school summer vacation, 2025. If the minor child visits USA it would be good for his development. The contention of the Ld. counsel for the petitioner that the minor child is suffering from Bronchitis and the



respondent would not return to India have no substance. So far as the further contention of the petitioner that the respondent should file an affidavit on record that she would not object when the petitioner would seek permission to take the minor child abroad, this contention has no substance at this stage because it will be considered as per law whether the petitioner may be allowed to take the minor child abroad as and when he would file such application.

In view of the above discussions, the petitioner Hameet Singh is directed to sign the visa application form of the minor child within a week from today to apply for visa to go to the USA. The respondent is allowed to take the minor child to Chicago, USA from 25.05.2025 to 30.06.2025 to visit her brother there. The respondent is directed to return to India by 30.06.2025. The application of the petitioner seeking permission to travel with the minor child is allowed accordingly.”

2. After some arguments, learned counsel for the appellant submits that the only reason why the appellant has approached this Court is that he is apprehensive that if the respondent is allowed to leave the country with the minor child, she may not return back to the country. The respondent, who is present in the Court along with her father on advance notice and her counsel, submits that she will strictly abide by the directions issued by the learned Family Court and will file an affidavit in this regard before the learned Family Court. Irrespective of that, the respondent's father, who is a retired government officer submits that he is also willing to file an affidavit before the learned Family Court clearly undertaking that the respondent will alongwith the minor child, as directed by the learned Family Court under the impugned order, return back to the Country from the USA on or



before 30.06.2025.

3. In the light of the aforesaid, we find no reason to interfere with the impugned order. The appeal, alongwith the pending applications, is accordingly, disposed of by directing the respondent and her father to file their respective affidavits in this regard before the learned Family Court within three days, whereafter the appellant will sign the 'No Objection Certificate' on the visa Application Form on or before 26.10.2024 in terms of the directions issued by the learned Family Court.

REKHA PALLI, J

SAURABH BANERJEE, J

OCTOBER 21, 2024

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