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

+ **MAT.APP.(F.C.) 434/2024, CM APPL. 75003/2024-Stay, CM APPL. 75004/2024-Exp.**

JYOTI DEVI

.....Appellant

Through: **Ms. Daisy Hammah and Ms. Sneha Ahmed, Adv**

versus

ABHISHEK GUPTA

.....Respondent

Through: **Mr. Abhinav Chandan, Adv**
alongwith respondent

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

20.12.2024

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1. The present appeal by the appellant– mother under Section 19 of the Family Courts Act, 1984 seeks to assail the order dated 09.12.2024 passed by the learned Family Court in G.P. No.45/2023. Vide the impugned order, the learned Family Court has directed the appellant to hand over the custody of the minor child to the respondent– father at 12:00 noon before the Court of the learned vacation Judge, Family Court, South District, Saket Court, New Delhi on 28.12.2024 and also directed the respondent to return the custody of the said minor child to the appellant at 12:00 noon on 31.12.2024 at the same place.

2. After some arguments, this Court has expressed its non-willingness to interfere with the directions contained in the impugned order and set it aside.



Accordingly, learned counsel for the appellant submits that if this Court is not inclined to interfere with the said directions for handing over custody of the minor child to the respondent, the duration for which the custody of the minor child has been directed to be handed over to the respondent may be then suitably reduced.

3. Issue notice.

4. Learned counsel for the respondent accepts notice. After some arguments, on instructions from the respondent, learned counsel candidly submits that the respondent will be agreeable to return the minor child to the appellant at 12:00 noon on 30.12.2024 as against 31.12.2024 as directed under the impugned order.

5. In light of the aforesaid stand taken by the parties, we dispose of the appeal by modifying the impugned order and directing that the appellant will hand over the custody of the minor child to the respondent at 12:00 noon on 28.12.2024 before the learned vacation Judge, Family Court and then also will return the custody of the minor child to the appellant at 12:00 noon on 30.12.2024.

6. While disposing of the appeal, it is made clear that the arrangement under the present order has been directed without prejudice to the rights and contentions of the parties in the petition pending before the learned Family Court.

REKHA PALLI, J

SAURABH BANERJEE, J

DECEMBER 20, 2024/Ab