



\$~59

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 534/2025 & CM APPL. 16751/2025 & CM APPL.
16752/2025
POOJA BHASKAR

.....Petitioner

Through: Mr. Upender Kumar, Piyush Pahuja,
Ms. Kamal Raj, Advocates.

versus

NARAYAN SINGH & ORS.

.....Respondent

Through: None.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
21.03.2025

%

1. The petitioner challenges order passed by learned Judge, Family Court-01, West District, Tis Hazari Courts, on 12.03.2025.
2. By virtue of the abovesaid order, the respondents have been permitted to have overnight custody of children from 22.03.2025 at 11:00 A.M. to 27.03.2025 at 4:00 P.M.
3. The present petition has been filed by petitioner Ms. Pooja Bhaskar, who is their mother and the respondents are paternal grandfather and paternal uncle of such children.
4. At the very outset, Mr. Upender Kumar, learned counsel for petitioner, submits that the abovesaid order has been passed by the learned Trial Court while considering application moved under Section 12 of Guardians and Wards Act, 1890. Since the order in question is not a procedural one and by virtue of said order, overnight custody of the children has been granted to the

CM(M) 534/2025

1



respondents, the abovesaid order can be challenged only by filing an appeal under Section 19 of Family Courts Act, 1984. Reference, in this regard, be made to *Dr. Geetanjali Aggarwal vs. Dr. Manoj Aggarwal: 2024 SCC OnLine Del 7220*.

5. Learned counsel for petitioner also acknowledges the abovesaid position. However, he submits that, on account of the acute urgency involved in the matter, direction be issued to Registry to place it before the learned Roster Bench. He also undertakes that he would make the procedural changes in the petition.

6. In view of the above, let the present petition be registered as Matrimonial Appeal and keeping in mind the urgency cited at the Bar, the Registry may place it before the concerned Division Bench, today itself.

MANOJ JAIN, J

MARCH 21, 2025/ss/SS