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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 622/2025 & CM APPL.19751/2025, CM APPL.19752/2025**
MS. MANJU SRIVASTAVAPetitioner

Through: Ms. Sarika Jetley Kochar, Advocate.

versus

SHRI SANDEEP SRIVASTAVA & ANR.Respondents
Through: None.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
03.04.2025

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1. Petitioner is defending a *Guardianship Petition* filed by her husband.
2. The custody of the child of the parties is with the mother i.e. petitioner herein.
3. The father of the child, while filing the abovesaid Guardianship Petition, had moved an application under Section 12 of *Guardians and Wards Act, 1890* seeking interim custody of his minor child and, while dealing with such application, the learned Judge, Family Court has granted overnight custody of such child for one day.
4. Such order is under challenge.
5. Clearly, the abovesaid order dated 01.04.2025 has been passed by the learned Judge, Family Court while considering an 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 the abovesaid order, overnight custody of the child has been granted, such order can be challenged only by filing an appeal under Section 19 of Family Courts Act, 1894. Reference, in this regard, be made to *Dr. Geetanjali Aggarwal vs. Dr. Manoj Aggarwal: 2024 SCC OnLine Del 7220*.

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, it may be placed before the concerned Division Bench, today itself.

MANOJ JAIN, J

APRIL 3, 2025

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