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

+ MAT.APP.(F.C.) 329/2023 and CM APPL. 57617/2023

DEBJIT LAHIRI

.....Appellant

Through: Mr. Milan Laskar, Mr. Prabhjot Singh, Mr. Ajay Sharma and Mr. Yash Agarwal, Advs. with Appellant in-person.

versus

SONIA & ANR.

.....Respondents

Through: Mr. Raj Kumar and Mr. Pradeep Sharma, Advs. for R-1.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

ORDER

03.12.2025

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1. The present Appeal has been filed by the Appellant assailing the correctness of an ex-parte judgment dated 19.01.2023 passed by the Family Court, whereby a Petition filed by him under Section 25 of the Guardianship and Wards Act, 1890, was dismissed.
2. The Appellant is the biological father of the minor child, namely, Master Divyansh Lahiri, who was born on 12.09.2009.
3. In the year 2023, the Family Court, after interacting with the child, who during the said period was nearly 14 years of age, recorded the following observation:

“15. The child has shown his desire to interact with the court in the absence of petitioner. The child during interaction submitted that he is not willing to meet the petitioner, however, petitioner can call him once in a week through Video call at about 10:00 AM on every Sunday. The child is in the custody of respondent since 06.01.2021 and from 18.11.2018 to January, 2021 the child was in the custody of petitioner. As per the record, the respondent has given an application dated 10.05.2019 to the SHO, PS- Shakarpur for taking custody of the child and as per Superdginama the child was found in bad condition



and he was sent with the respondent for his better future. There is no document on record to show that child has not performed well in his study and examination. Taking into consideration that child was found in bad condition when he was residing with the petitioner and now child is settled with the respondent and he is attending the school and the child in clear terms stated before the court that he is not ready to meet the petitioner, I am of the view that child is about 13 years of age and this court cannot pass order adverse to the wish of the minor child. I am also of the view that if the custody of the child is shifted from respondent to petitioner, it will affect the health and future of the minor child. There is no document on record to show that respondent is not taking the proper care of the child and with the passage of time the child has adjusted with the respondent. Accordingly, issue no. 1 is decided in favour of the respondent and against the petitioner.”

4. The child as on the present date is more than 16 years old.
5. The learned counsel representing the Appellant fairly admits that the child is not interacting with his father. Even during the course of interactions held, pursuant to the order passed by the Court, the Appellant admits that the child would neither receive gifts nor exchange pleasantries with him.
5. Keeping in view the aforesaid position, this Court is left with no choice but to dismiss the present Appeal.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.
DECEMBER 03, 2025
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