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

+ MAT.APP.(F.C.) 288/2025, CM APPL. 49039/2025 (Stay) &
CM APPL. 49040/2025 (Ex. from filing the certified copy of
the order dt. 24.07.2025)

SH. BHISHMA TYAGI, THROUGH HIS SPA (LOKENDRA
TYAGI)

.....Appellant

Through: Mr. Shamindra Singh Kadian,
Ms. Kamna Sinha and Mr.
Ranvir Sangwan, Advocates.

versus

MRS. JYOTSNA SINGH

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

ORDER

11.08.2025

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1. The present Appeal is filed under Section 19(1) of the Family Court Act, 1984, by the Appellant challenging the Impugned Order dated 24.07.2025 passed by the learned Family Judge, Dwarka Courts, Delhi, in Guardianship Petition No. 26/2023.
2. The learned Family Court permitted the Respondent to take the child to **United States of America**¹ for a period of one year. The Appellant, being the father of the child, assails its correctness.
3. It is on record that the Respondent, in order to improve her qualification, has secured admission to a two-year Master of Science (Information Science) degree programme at the University of Arizona,

¹ USA.



Tucson, Arizona, USA. The first year of the programme was conducted in a hybrid mode. However, for the second year of the programme, she has to attend the course physically in the University.

4. The Respondent has undertaken to return to India upon completion of the said one-year academic requirement. While granting the aforesaid permission, the Learned Family Court further directed that the Appellant shall be entitled to interact with the minor child through video calls every Saturday and Sunday for a duration of thirty minutes each.

5. Learned counsel for the Appellant submits that the Family Court neither interacted with the child nor obtained any expert opinion, and therefore, the impugned order is unsustainable. It is further contended that the Court, in the absence of any specific prayer to that effect, erroneously granted permission to the Respondent to take the child to USA for a period of one year.

6. This Court has considered the submissions. The learned Family Court took into account all relevant aspects of the matter, particularly that the child is only seven years old and has been residing with the Respondent for the last three years. The Appellant did not seek the Court's direction to obtain the consent of the child. It is further noted that the Respondent has secured admission to the two-year degree programme of M.S. (Information Science) at the University of Arizona, USA. She completed the first year of the programme in hybrid mode, attending classes online from home, and is now required to physically attend the University to complete the remaining portion of the course.

7. In view of the aforesaid position, there is no ground to interfere with the impugned Order.



8. The Appeal, along with the pending application (s), if any, is dismissed.

ANIL KSHETARPAL, J

HARISH VAIDYANATHAN SHANKAR, J
AUGUST 11, 2025/nd/kr