



\$~71

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

+ CM(M) 2006/2025, CM APPL. 64950/2025, CM APPL. 64951/2025

ABHISHEK MAHAJAN

.....Petitioner

Through: Ms. Nidhi Mohan Parashar, Mr. Harshit Joshi and Mr. Vikrant Kumar, Advocates.

versus

SHILPA MAHAJAN

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER
15.10.2025

%

1. By virtue of the present petition, petitioner seeks setting aside and/or modification of the impugned order dated 10.10.2025 passed by the learned Principal Judge, Family Court, West District, Tis Hazari, Delhi, in HMA 2504/2025 titled “*Abhishek Mahajan vs. Shilpa Mahajan*” as also interim visitation rights to the petitioner in order to visit the minor child.

2. It is the case of the petitioner that the learned Family Court has not considered the application filed under *Section 26* of the Hindu Marriage Act, 1955 (*HMA*) for interim rights filed along with the aforesaid HMA 2504/2025, however she fairly submits that without adverting to the merits involved herein, it would be in the interest of justice, if this Court grants a period of *two days* to the petitioner for moving a fresh/ appropriate application of similar nature since, according to her, the parties are



residing within the same vicinity and though the petition was filed on 15.09.2025 before the learned family Court and was listed for the first time on 10.10.2025, and subsequent to issuance of notice the matter was listed on 13.01.2026.

3. Keeping in view the factual matrix involved and the peculiar situation, this Court, in the interest of justice, deems it appropriate to grant a period of *two days* to the petitioner for moving a fresh application under *Section 26* of the HMA *qua* interim visitation rights before the learned Family Court. Further, considering the nature of the present case, in the interest of justice, and as laid down by the learned Division Bench of this Court in the case of ***Smt. K. S. Sumi Mol v. Sh. Suresh Kumar E. K.*** [2023:DHC:5963-DB], the learned Family Court is requested to consider any such application as expeditiously as possible, preferably within a period of *four weeks*.

4. In view of the aforesaid observations, learned counsel for the petitioner seeks to withdraw the present petition, along with the pending applications therein.

5. Heard. Allowed.

6. Accordingly, the present petition is dismissed as withdrawn.

SAURABH BANERJEE, J.

OCTOBER 15, 2025/NA