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IN THE HIGH COURT OF DELHI AT NEW DELHI

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MAT.APP.(F.C.) 395/2024

LALIT CHAUDHARY

.....Appellant

Through: Ms. Azra Rehman, Ms. Laiba Muskan, Mr. Harinder Singh, Mr. Varun Baisla and Mr. Zakir Rehman, Advs.

versus

SHWETA NAGAR

.....Respondent

Through: Mr. Jitendra Rexwal, Adv.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

ORDER

24.11.2025

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1. The dispute is with regard to the interim custody of the child, who is nearly 6 years old. Presently, custody rests with the Appellant (father of the child), whereas the Respondent (mother of the child) has filed a petition before the learned Family Court which is pending.
2. While deciding the application for interim custody, the learned Family Court permitted the Respondent (mother of the child) to pick up the child from school every Friday and to drop the child at school on Monday morning.
3. Learned counsel representing the Appellant (father of the child) submits that the mother resides in Greater Noida, which is at a distance of around 55-60 kms from the school, and that the child will have to wake up very early in the morning in order to be dropped at school, located in Alaknanda, Delhi.
4. It is further submitted that the child is very young and travelling



for more than an hour every Monday morning may not be in the child's interest.

5. After hearing learned counsel representing the parties, this Court has proposed to the Respondent (mother of the child) that the child be dropped back at Appellant's place on Sunday evening at about 06:00 PM, and she has voluntarily accepted the same.

6. Learned counsel representing the Appellant further submits that the child has special classes and that the Appellant is entitled to custody of the child for some time.

7. This Court has considered the submissions. It is evident that the child is at a tender age and requires care and custody of both the parents. The child appears to be studying in Class-I.

8. Consequently, the impugned order is modified to the extent that the Respondent (mother of the child) shall pick up the child on every Friday from child's school and drop him at Appellant's place every Sunday at about 06:00 PM. The remaining directions issued by the learned Family Court are maintained. With these observations, the present Appeal stands disposed of.

9. At this stage, learned counsel representing the Appellant submits that the child has school on every alternative Saturday. Since this issue was never raised before the learned Family Court, the Appellant, if so advised, may file an appropriate application before the learned Family Court for necessary orders.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.
NOVEMBER 24, 2025/sp/rgk