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

+ MAT.APP.(F.C.) 406/2025, CM APPL. 72281/2025, CM APPL. 72282/2025 and CM APPL. 72283/2025

JYOTI BHATIAAppellant

Through: Ms. Meera Kaura Patel, Mr. Puru Pratap Singh, Ms. Zainab Hussain, Advs.

versus

AMIT KUMARRespondent

Through: Mr. Balvinder Ralhan, Mr. Aditya Ralhan, Mr. Lalit Kataria Advs.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

ORDER

18.11.2025

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1. Through the present Appeal, the Appellant assails the correctness of an order dated 09.06.2025 [hereinafter referred to as 'Impugned Order'] passed by the Family Court, whereby interim visitation arrangement has been directed.

2. The Family Court, after interacting with the child, namely Mr. Aryaman Bhatia, who is 11-years old, directed modification of previous order dated 08.08.2022 and granted interim custody to the father/Respondent between 05:00 PM Saturday till 05:00 PM Sunday. After interacting with the child, the Family Court recorded the following observations:

"7. This Court is of the view that there cannot be any straight jacket formula in Guardianship Petition and it has to be seen by the Court, what is in the welfare of minor child, which is the paramount consideration. There is no dispute that minor child is aged about 12 years at present and being male growing child, he needs more care and attention of the father/petitioner. This Court has also interacted with the minor child and the minor child was also confronted with the



father/petitioner. The minor child was on talking terms with the father/petitioner but he was not feeling completely comfortable. This Court has also observed that the minor child was also emotionally weak and he used to break down during conversation and this Court is view that minor child, being growing, has to face the adversaries of the world and for overall development of the child, unsupervised/overnight custody is required to be given to the father. The petitioner, being father is also having rights upon the minor child and he has also right to bring up the said minor child and spend quality time with him. This Court is of the considered opinion that unsupervised and interim/overnight custody is required to be given to the petitioner so that the petitioner can gel with the minor child and the same will be also beneficial and welfare of the minor child.

8. Considering the entire peculiar facts and circumstances of the present case, it is ordered as under:

- (a) The Petitioner, after School hours on every Saturday, can pick the minor child from the School of minor child and thereafter, the minor child will remain with the petitioner from Saturday till 05.00 p.m. on Sunday and at about 05.00 p.m. on every Sunday, the petitioner will drop the minor child at the residence of respondent. The minor child shall remain with the respondent during remaining days of the week. In case, the Saturday happens to be a holiday, then, the petitioner can pick the minor child from the residence of respondent at about 02.00 p.m. The visitation, as granted under this clause to the petitioner, shall remain suspended 15 days prior to the final exams of the minor child and also during the final exams.*
- (b) For the first 5 days of vacations after final exams, first 10 days of Summer Vacations and for the first 5 days of Winter Vacations, the minor child shall remain with petitioner and in view of the same, the aforesaid arrangement from Saturday to Sunday, as mentioned hereinabove in point-(a) shall remain suspended for the remaining Summer and Winter Vacations. However, in June, 2025, the minor child shall remain with the petitioner for about last 8 days instead of first 10 days.*
- (c) If, birthday(s) of either the petitioner or of the minor child falls on such Saturday and Sunday or during such vacations after final exams, Summer or Winter Vacations, then, no separate order is required and the petitioner can enjoy the birthday within such time, however, in case, such birthdays fall on any other day, then, the petitioner can take the minor child after school hours or if the same happens to be a holiday, then, at 03.00 p.m. from the residence of respondent and return the minor child on the same day at 07.30 p.m. at the residence of respondent. It is also made clear that if, Birthday of minor child falls on Saturday, then, for the respondent, the petitioner will drop the minor child to the*



residence of respondent at about 08.00 p.m. and can pick him back in the next morning at about 10.00 a.m.

- (d) If, festivals/special occasions of Dusshera, Diwali, Bhaiya Dhooj, Raksha Bandhan and Holi fall on such Saturday to Sunday or during such final exams vacations, summer or winter vacations, then, no separate order is required and the petitioner can celebrate the same within such time, however, in case, such special occasions/festivals fall on any other day, then, the petitioner can take the minor child in the morning at about 11.00 a.m. and return the minor child on the same day at 02.30 p.m. to the respondent at her residence.*
- (e) It is directed to the respondent, during the day of aforesaid visitation, when custody of minor child is to be handed-over to the petitioner, she is not allowed to take the minor child at any place and she shall remain at her residence with the minor child.*
- (f) The petitioner shall ensure that the studies and extra curricular or co-curricular activities of the minor child shall not get affected in any manner by way of such arrangement and he will ensure that minor child will study properly during the said time. If, during the said visitation, the child is required to be taken to Doctor or to the Counsellor, then, the petitioner is directed that he will do the needful and he is also directed to bear the entire expenses during the said time.*
- (g) The petitioner was paying the School fees and now, it is directed to the petitioner to pay the entire school fees directly to the school on or before its due date, which includes the transportation charges, if any and petitioner is further directed to deposit Rs.5,000/- per month in the account of respondent from the month of June, 2025 till disposal of the present petition. The said amount be deposited on before 15th day of each English calendar month.*
- (h) Petitioner is allowed to attend PTM and school of the minor child in order to know his progress, however, the same does not give right to the petitioner to meet the minor child at the school premises.*
- (i) For overall development and well being of the minor child and also in order to circumvent the respective apprehension of the respondent and petitioner, it is directed that in the presence of minor child, the petitioner and his family members and similarly, the respondent and her family members shall not do any activity of any nature, for which, the concerns have been raised by the respondent/ petitioner respectively in their pleadings.*
- (j) The parties and their respective family members shall not pollute the mind of minor child against each other so that environment of the minor child shall remain congenial for overall development of the minor child.*



(k) During the said visitation, the parties/their relatives shall maintain peaceful and cordial behaviour with each other and parties will not create ruckus at that time, at the said place, in order to maintain peace and harmony amongst themselves as well as for the welfare of minor child.”

3. Learned counsel representing the Appellant submits that the child is not comfortable with his father/Respondent and therefore, handling of the child should be slow and gradual process. Learned counsel submits that paramount consideration of the Court should be the welfare of the child.

4. This Court has considered the submissions made by the learned counsel representing the Appellant.

5. In paragraph no.7 of the Impugned Order, the Family Court has noticed that the child has to face the adversities of the world and need to remain in the care and custody of the father for some part of his time for his overall development. In fact, the Family Court came to a conclusion that the child was emotionally weak and used to breakdown during conversations. The child is 11-years old and his parents are having a marital discord and the child is required to be introduced to the realities of life. Such arrangement made by the Family Court can be altered/modified, looking at the result of the interim arrangement made.

6. In view of the foregoing observation, this Court finds no reason to interfere with the Impugned Order.

7. The present Appeal, along with all pending applications, is dismissed.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.
NOVEMBER 18, 2025/jai/ra