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

Date of decision: 21.11.2025

+ MAT.APP.(F.C.) 409/2025, CM APPL. 73085/2025 (Delay of 23 days in filing the Appeal) & CM APPL. 73086/2025 (Ex. from filing the certified copies of annexures)

SH. PAWAN SINGH NEGIAppellant
Through: Mr. Tarun Johri, Advocate.

versus

SMT. BHAWANA BHAKUNIRespondent
Through: None.

CORAM:
HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR

% **JUDGEMENT (ORAL)**

ANIL KSHETARPAL, J.

1. The present Appeal is assailing the judgment and decree dated 26.09.2025 passed by the learned Family Court, West, Tis Hazari Court, Delhi in GP NO. 71/2023 titled as *Pawan Singh Negi Vs. Bhawana Bhakuni*, whereby the permanent custody of the minor child was not granted to the Appellant.

2. The learned Family Court, *vide* the Impugned Judgment, after interacting with the child, has made elaborate arrangements while directing that the child would remain in the permanent custody of the Respondent/Mother. However, the Appellant has been given the unsupervised temporary custody of the minor child in the following manner:

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2025-DHC-10859-DB



“18. Considering the overall facts and circumstances of the present case, this Court is declaring both the parties as Guardian of the minor child but this Court is not inclined to grant permanent custody of the minor child to the petitioner, however, the following unsupervised temporary custody of the minor child is granted to the petitioner with liabilities:-

(a) The Petitioner, after School hours, on first, third and fourth Friday, can pick the minor child from the School of minor child and thereafter, the minor child will remain with petitioner from that Friday till 10.00 a.m. of Sunday i.e. Sunday, which will come after the said Friday and at about 11.00 a.m. on the said 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 said Friday happens to be holiday, then, the petitioner can pick the minor child from the residence of respondent at about 02.00 p.m.

(b) For First 5 days of vacations after final exams, first 15 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 Friday to Sunday, as mentioned hereinabove in point-(a) shall remain suspended for the remaining vacations of final exams, Summer and Winter Vacations.

(c) If, birthdays, either of the petitioner or of the minor child, falls on such Friday and Saturday or during such vacations i.e. 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 happened to be a holiday, then, at 03.00 p.m., from the residence of the 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 Friday or 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 a.m. but if, the next morning is a Sunday, then, the minor child will remain with the respondent.

(d) If, festivals/special occasions of Dusshera, Diwali, Bhaiya Dhooj, Raksha Bandan and Holi falls on such Friday and Saturday 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 all on any other day, then, the petitioner can take the minor child at about 11.00 a.m. and return the minor child

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on the same day at 02.30 p.m. to the respondent at her residence. For the respondent, on such Friday or Saturday, 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. but if, the next morning is Sunday, then, the minor child will remain with the respondent.

(e) 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.

(f) The petitioner is not contributing anything towards educational expenses and day-to-day expenses of the minor child. The petitioner is directed to pay/deposit Rs.15,000/- per month in the account of respondent from the month of October, 2025 on or before 10th day of each English Calendar month and the same be increased to 10% of last paid amount, after elapse of every one year. For Example, from the month of October, 2026, the petitioner is required to pay/deposit Rs.16,500/- per month and from the month of October, 2027, the petitioner is required to pay/deposit Rs.18,150/- per month and so on. The said arrangement will continue till schooling of the minor child and thereafter, for higher studies, both the parties i.e. the petitioner and respondent will contribute 50% each of all the expenses i.e. registration, counselling, entire college fees including food, boarding, lodging, gazettes etc.

(g) The petitioner is allowed to attend PTM and school of the minor child in order to know his progress.

(h) The parties and their respective family members shall not pollute mind of the minor child against each other so that environment of the minor child shall remain congenial for overall development of the minor child.

(i) 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.

(j) The aforesaid arrangement will remain continue till the minor child is in school and thereafter, with the consent of minor child.”



3. In fact, the child is in the custody of the Respondent/Mother for almost four years now, as the custody of the minor child was handed over to her on 03.01.2022. Whenever the Respondent goes for her job, the maternal grandmother takes care of the child.

4. The Court has also found that the child, who is less than 8 years old, is innocent and seeks the company of both parents without realising that their marriage stands dissolved by a decree of divorce granted on 28.11.2024.

5. Learned counsel appearing for the Appellant has submitted that the Respondent is required to attend her office, and the child barely sees the face of his mother and the Court has directed the Appellant to pick the minor child from school which is not permitted as per the practice adopted by the school.

6. He further submits that the Court has also directed the Appellant to pay at the rate of Rs. 15,000/- per month which was not a prayer made in the Appeal.

7. This Court has considered the submissions of the parties. As far as difficulty in picking up the child from school, the Appellant, if so advised, may file an appropriate application before the learned Family Court for suitable modification.

8. With regard to the grant of direction to the Appellant to pay Rs. 15,000/- per month, without there being prayer, it will be noticed that the aforesaid amount has been directed to be paid for the welfare of the child.

9. Both the parents are earning handsomely. If the Appellant has been directed to contribute towards the education and day to day expenses of the child, this Court does not find it appropriate to



interfere.

10. With regard to the contention that the Respondent goes to her office, it will be noticed that the learned Family Court, after considering this aspect, has found that there is a maternal grandmother who takes care of the child. The child, during the interaction, has expressed that he is happy with his maternal grandmother who takes care of his day-to-day needs.

11. Hence, there is no ground to interfere.

12. Acceding to the same, the present Appeal, alongwith all pending application(s), if any, is dismissed.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.
NOVEMBER 21, 2025/ v/rou