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

+ **CM(M) 120/2025**

BHISHMA TYAGI

.....Petitioner

Through: Ms. Aruni Poddar, Ms. Shikha
Singh & Ms. Anjali Singh, Advs.

versus

JYOTSNA SINGH

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

20.01.2025

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CM APPL. 3538/2025 (Exemption)

Allowed, subject to all just exceptions.

The application stands disposed of.

CM(M) 120/2025 & CM APPL. 3537/2025 (Stay)

1. The present petition has been filed under Article 227 of the Constitution of India seeking to set aside the impugned order dated 26.10.2024 passed by learned Judge, Family Court, South West, Dwarka, New Delhi in G.P. Case No. 26/2023 titled “Bhishma Tyagi vs. Jyotsna Singh” whereby the petitioner has been directed to give the consent/no objection for renewal of passport of the child to the respondent.
2. Petitioner has filed a Guardianship Petition under Section 25 r/w Rule 6 of the Hindu Minority and Guardianship Act, 1966 against the respondent.
3. Respondent filed an application before the Trial Court for grant of No Objection Certificate to get visa for her and her daughter to visit United



States of America. She stated that she has got her daughter admitted for M.S. Information Science at University of Arizona, Tucson, US.

4. The order dated 26.10.2024 passed by the Trial Court is reproduced below:-

“GP26/23
BHISHMA TYAGI Vs. JYOTSNA SINGH
26.10.2024

Pr:- Sh. Shamindra Kadian, Ld. Counsel for petitioner along with petitioner.
Sh. Vivek Kumar Gaurav, Ld. Counsel for respondent along with respondent.

Fresh Vakalatnama filed on behalf of respondent.

It is stated by Ld. Counsel for respondent that application filed by respondent for permission to take the child abroad and for direction to petitioner to give consent/no objection for renewal of passport of the child.

It is stated by Ld. Counsel for petitioner that petitioner has no objection in grant of consent or no objection, if undertaking is given by respondent to this court that child shall not be shifted from Delhi NCR, without permission of this court.

At this stage, it is stated by respondent that she is ready to give undertaking as sought by the petitioner.

Let aforesaid undertaking on affidavit be placed on file and copy of the same be supplied to petitioner, who after receiving the copy and verifying the undertaking from record of this court, petitioner shall issue consent/NOC for the renewal of passport of child to respondent.

Respondent is directed not to remove the child from Delhi NCR, without the permission of this court.

Replication to the reply of application to allow the respondent to take the child abroad, e-filed by the respondent. Copy supplied.

Application/prayer for shifting the child to abroad shall be considered on NDOH.

Affidavit in evidence, e-filed by the petitioner. Copy supplied.
Hard copy of affidavit in evidence placed on file.

Ld. Counsel for respondent seeks time for going through the affidavit of petitioner.

Matter is adjourned.

List the matter for PE and arguments on aforesaid application on 25.01.2025.

Copy of order be given dasti to both the parties.”



5. The only apprehension of the learned counsel for the petitioner is that the respondent may take the child out of the jurisdiction of the Court and therefore, the order of the Trial Court issuing directions for giving the No Objection Certificate be recalled.

6. Perusal of order dated 26.10.2024 clearly reveals that such order was passed on the basis of No Objection given by the petitioner himself. The trial Court has already protected the interest of the petitioner by directing the respondent to place her affidavit to the effect that child shall not be shifted from Delhi NCR without permission of the trial Court. The application for grant of permission to visa for her and her daughter for visit to United States of America is still not disposed of.

7. Since the trial Court has issued requisite directions to the respondent for filing the undertaking as noted above, and the application of the respondent is yet not decided, Court finds no merit in the present petition. The petition is dismissed.

RAVINDER DUDEJA, J

JANUARY 20, 2025

Sk/n