

Smriti Sharma vs Parag Jain on 19 August, 2020

Author: Anu Malhotra

Bench: Anu Malhotra

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CrL.M.C. No. 6396/2019 and CrL.M.A. Nos. 42454/2019, 1027/2020
7036/2020

SMRITI SHARMA

Through:

..... Petitioner

Mr.Prashant Mendiratta, Advoc
with petitioner in person

versus

PARAG JAIN

Through:

..... Respondent

Ms.Ashu Arora, Advocate with
respondent in person

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA
ORDER

% 19.08.2020 (Hearing through video conferencing) The minor child has also joined the proceedings through Video Conferencing and the Court has interacted with the child. The interaction between the minor child and the Court, as recorded is placed on the record. Presently, though the child says that he loves his mother and his mother loves him, at the same time he also states that it was fine celebrating his birthday and he does not want to go to his mother and states that he states so on his own accord and has not been told so by anyone.

In the present circumstances, presently the interim order dated 10.6.2020 as modified vide order dated 3.7.2020 shall continue.

It has been submitted on behalf of the petitioner that the petitioner has no objection to the minor child now studying in the Signature Not Verified Digitally Signed By:SUMIT GHAI Signing Date:19.08.2020 19:18:38 This file is digitally signed by PS to HMJ ANU MALHOTRA.

school in which he is studying, i.e., Global International School, situated at NOIDA and that the petitioner has no objection to the Transfer Certificate being issued by the Amity International School now due to lapse of time.

Renotify for consideration on 22.9.2020. The child be also produced through video conferencing on the next date of hearing.

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IN THE HIGH COURT OF DELHI; NEW DELHI.

SMRITI SHARMA V. PARAG JAIN.

INTERACTION BETWEEN THE COURT AND THE MINOR CHILD RYAN Q. (Court) What have you been doing? A. (Child) No reply.

Q. (Court) How was your Birthday?

A. (Child) Fine.

Q. (Court) Why are you not smiling today?

A. (Child) No reply.

Q. (Court) What did you do on your Birthday?

Don't pretend to smile, smile honestly.

A. (Child) no reply.

Q. (Court) Why are you not smiling, its my question?

A. (Child) No reply.

Q. (Court) Why are you calling papa?

A. (Child) Computer pe kuch hang ho gaya, jam ho gaya

Till these questions there was some connection problem and then the father came on the child calling him.

Q. (Court) How was your Birthday? Apka Janamdin kaisa raha?

A. (Child) Fine. Acha

Q. (Court) What did you do that day? Kya kiya tha us din?

A. (Child) I do not know. I cannot even remember. It was

after so many days that is why I am not able to remember. Mujhe pata nahi. Bahot din ke baad
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tha. ... remember bhi nahi kar pa raha... bahot din ke baad aya tha vo isliye remember nahi ho raha.

Q. (Court) Did you meet your mother? Mummy se mile they?) A. (Child) Yes, I did. Haan mila tha Q. (Court) What did you do with your mother? To kya kiya mummy ke saath?

A. (Child) Nothing. Played Hide & Seek, Colour, Water Animals and Land Animals. Mama said something Tiiigeer ...land animal. (Kuch nahi... Kuch bhi ..Hide & seeks khela colour wala ...tree animal water animal ...land animalMamma ne kuch bola thha aise bola Tiger land animal..water animal aise hi bola tha .) Q. (Court) Did you like to play? Acha laga tha khelna? A. (Child) Yes. hmm Q. (Court) Do you want to go to your mother? mummy ke paas jana hai?

A. (Child) No. nahi Q. (Court) Where do you want to live? Kahan par rehna \ hai?

A. (Child) Papa ke ghar Q. (Court) Do you want to go to mama's house? Mummy ke ghar jana hai?

A. (Child) No. nahi Q. (Court) No. Don't want to go? Nahi, Nahi jana? A. (Child) No. No. No. Signature Not Verified Digitally Signed By:SUMIT GHAI Signing Date:19.08.2020 19:18:38 This file is digitally signed by PS to HMJ ANU MALHOTRA.

Q. (Court) Why ?

A. (Child) Dont't want to go. Nahi jana Q. (Court) Who said don't go? Kisne bola Nahi jao A. (Child) No one Kisine nahi bola.

Q. (Court) Why do you not want to go? Kyon nahi jana A. (Child) I don't want to go., mera aise hi hai, no... no. Like that only I play in house and study like that man nahi hai, nahi jana to nahi jana, haan aisa hi hota hai mera to... nahi ...nahi...nahi. Car me ghoomney jaatey and ghar me khelta hoon aur aise he padhta rehta hoon.

Q. (Court) Why do you not want to go to Mummy? Mummy paas kyon nahi jana?

A. (Child) No. Q. (Court) Did papa say not to go? Papa ne mana kiya hai? A. (Child) No. Nahi Q. (Court) Grandfather or Grandmother? Dada ..Dadi ne mana kiya hai?

A. (Child) No. Nahi Q. (Court) Mama loves you? Mummy pyar karti hai? A. (Child) Yes she does. haan karti hai Q. (Court) You also love mummy? Aap bhi pyar kartey ho mummy ko?

A. (Child) Yes,. Haan karta hoon.

Q. (Court) Still you don't want to go? Phir bhi nahi jana? A. (Child) No.nahi Q. (Court) There must be something ...no you don't want to go? Koi baat to hogi Naa..kyon nahi jana? A. (Child) no reply... hain... Kya bol rahe ho? Signature Not Verified Digitally Signed By:SUMIT GHAI Signing Date:19.08.2020 19:18:38 This file is digitally signed by PS to HMJ ANU MALHOTRA.

Q. (Court) I am asking, why do not want to go to mummy?

Hum pooch rahe hain kyon nahi jana mummy paas?

A. (Child) Aap bol rahe they to mujhe samajh nahi aa rahi this main volume down kar di thi.

Q. (Court) Why did you do that? Kyon kar di thi? A. (Child) no reply.

Q. (Court) I am asking, why you do not want to go? Hum pooch rahe hain kyon nahi jana? A. (Child) no.

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