

Saroj Negi vs Jagat Singh Negi on 1 April, 2025

Author: Navin Chawla

Bench: Navin Chawla

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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision:

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MAT.APP.(F.C.) 210/2024 & CM APPL. 38210/2024

SAROJ NEGI

.....Appellant

Through: Mr.Mihir Samson, Ms.Aswathi
Menon & Mr.Pradip Kumar
Singh, Advs.

versus

JAGAT SINGH NEGI

Through:

.....Res
Mr.Puneesh Grover
Ms.Kreeti Y Khan
Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (ORAL)

1. This appeal has been filed challenging the Order dated 07.06.2024, passed by the learned Judge, Family Court-02, North East District, Karkardooma Family Courts, in GP No. 41/2023, titled Smt. Saroj Negi v. Sh. Jagat Singh Negi, disposing of the application filed by the appellant under Section 12 of the Guardians and Wards Act, 1980 for the interim custody of the minor daughter of the parties, with the following directions:-

"17. In the present case, at this stage when the evidence is yet to be adduced, the averment of the petitioner-wife indicates a reasonably comfortable financial standing of the respondent-husband. A minor living with her grandmother cannot be the sole ground of granting temporary custody. However, the two siblings living separately as of today, need to meet each one on regular basis which would be in the interest of both the minors. Thus this court deems it proper to pass appropriate order on the visitation of the minor children in the presence of their parents / grandparents. The month of June being a vacation time will be a good opportunity for the siblings to meet. Thereafter, it can continue further as well. The siblings are free to contact each other through other modes such as telephone / mobile / internet etc. Accordingly, the parties-herein (parents-herein) are directed to let their minor children meet

physically thrice a week during daytime at neutral venues. This court is not fixing days or time in view of practicality but expects that the two minor children spend at least 3-5 hours together per week. The parents will also be able to see both children together."

2. This Court, during the pendency of the present petition, has directed meetings between the appellant, as well as her sibling with the child, vide orders dated 05.09.2024 and 16.12.2024, respectively.

3. We are of the opinion that, as much water has flown post the passing of the Impugned Order, the appellant should be granted an opportunity to file a fresh application seeking interim custody/visitation rights over the minor daughter before the learned Family Court.

4. The learned Family Court shall decide on such an application, if filed, in accordance with the law and remaining uninfluenced by the Impugned Order.

5. In the meantime, as an interim direction, the learned counsels for the parties agree that the respondent shall allow the appellant and the minor son of the parties, visitation with the minor daughter on every 4th Saturday of the month, between 03:00 PM to 08:00 PM, at a place mutually decided by the learned counsels for the parties in consultation with each other. The respondent shall drop off the child at the said place in the custody of the appellant at 03:00 PM, and shall take the custody of the child from the appellant at 08:00 PM from the same place. During the visitation, the appellant shall be free to interact with the child, and the respondent shall remain absent at the time of such interaction and visitation.

6. The appeal is disposed of in the above terms.

NAVIN CHAWLA, J RENU BHATNAGAR, J APRIL 1, 2025/rv/IK Click here to check corrigendum, if any