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

+ **MAT.APP.(F.C.) 162/2024 & CM Nos.28443-46/2024**

ANJALI CHAUDHARY

..... Appellant

Through: Mr Kamal Mohan Gupta, Mr Amber
Shehbaz Ansari and Mr Gorakh Nath
Yadav, Advs.

versus

BRAHAMJEET SINGH

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **13.05.2024**

[Physical Hearing/Hybrid Hearing (as per request)]

CM No.28444/2024

1. Allowed, subject to the appellant filing legible/translated copies of the annexures, at least three (3) days before the next date of hearing.

CM No.28446/2024

2. This is an application which, in effect, seeks a direction for summoning the trial Court record.

3. The application is disposed of with a direction to the Registry to place the trial Court before this Court, *albeit* in digitized form, prior to the next date of hearing.

4. The application is disposed of.

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CM No.28445/2024 [Application filed on behalf of the appellant seeking condonation of delay of 76 days in filing the appeal]

5. This is an application filed on behalf of the appellant seeking condonation of delay in filing the appeal.

5.1 According to the appellant, there is a delay of 76 days.

6. Having regard to the period and the issue involved, we are inclined to condone the delay.

6.1 It is ordered accordingly.

7. The application is, accordingly, disposed of.

MAT.APP.(F.C.) 162/2024 & CM No.28443/2024 [Application filed on behalf of the appellant for directions]

8. This appeal is directed against the judgment and order dated 19.01.2024 passed by the learned Judge, Family Court, Karkardooma Courts, Shahdara district, Delhi.

9. Via the impugned judgment and order, the learned Judge disposed of the guardianship petition filed by the appellant/mother. The operative directions issued by the Family Court are contained in paragraph 41 of the impugned judgment. For convenience, the same is extracted hereafter:

- “41. (i) The custody of daughter shall remain with the father.
(ii) The mother shall be entitled to custody of child for one week during summer vacation. Dates to be decided by parties with mutual consent.
(iii) the mother shall be entitled to custody of the child on two more occasions for two days each time. It could be during winter vacations or any other time, with the consent of both the parties. This order is passed keeping in view the fact that child is now studying in hostel and would be spending most of her time in hostel only.
(iv) the mother shall be entitled to speak with the child through video call on every festival when child shall be visiting her father, for half an hour.”

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10. These directions have been issued by the Family Court in the backdrop of certain admitted facts, which are:

- i) The girl-child is approximately, 15 years of age.
- ii) The girl-child has been residing in a hostel for the last 2 years.
- iii) The girl-child has been in the company of the respondent/father since the disputants separated.

11. The interaction of the girl-child with the Judges of the Family Court has revealed that while she had declined to meet the appellant/mother, the girl-child has not had anything negative to say about the appellant/mother.

12. Learned counsel for the appellant/mother says that while the appellant/mother does not wish to assail the direction issued by the Family Court, whereby, custody of the girl-child has been given to the respondent/father, the appellant/mother would like the period accorded for sharing custody during vacation to be extended in her favour.

13. Given the submissions made by learned counsel for the appellant/mother, notice shall issue, on this limited aspect, to the respondent/father, *via* all modes including e-mail.

14. List the matter on 23.08.2024.

RAJIV SHAKDHER, J

AMIT BANSAL, J

MAY 13, 2024

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Click here to check corrigendum, if any