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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 1433/2022 & CM APPL. 55115/2022 (stay)
SUKHMANI KAUR OBEROI Petitioner

Through: Mr.J.S.Bedi, Sr. Adv. with
Mr.Praveen Sharma, Mr.Abhishek Mohan,
Mr.Amitesh Bakshi & Mr.Sahil Nagptal, Advs.

versus

CHANPREET SINGH BAMMI Respondent

Through: Ms.Malvika Rajkotia, Mr.Sameer
Rohatgi, Mr.Namit Suri, Mr.Ramankant,
Ms.Purnima Singh, Ms.Trisha Gupta, Mr.Arjun
Kaushal & Mr.Kartikey Singh, Advs.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI

% **ORDER**
19.12.2022

CM APPL. 55116/2022

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

CM(M) 1433/2022 & CM APPL. 55115/2022 (stay)

3. The petitioner has approached this Court assailing the order dated 17.11.2022 passed by the learned Principal Judge, Family Court, Patiala House Courts, New Delhi. Vide the impugned order, the learned Family Court has directed the petitioner, to appear physically before the Court alongwith the minor son of the parties on 10.01.2023 by observing that by that date, the school in Los Angeles, United



States of America (USA), where the minor child is presently studying will be closed for winter vacations.

4. Learned senior counsel for the petitioner submits that the impugned order directing the physical appearance of the petitioner and the minor child on 10.01.2023, could not have been passed as the respondent is admittedly in default, not only of the amount payable towards maintenance but has also failed to make the deposit in terms of order dated 05.09.2022. He submits that even though the petitioner is not shying away from coming to India alongwith the minor child, no such direction, which is even otherwise unwarranted, could have been passed without the respondent first complying with the order dated 05.09.2022.
5. Issue notice. Learned counsel for the respondent accepts notice. She prays for, and is granted, one week's time to file a reply to the application. Rejoinder thereto, if any, be filed before the next date.
6. At the outset, learned counsel for the respondent submits that the respondent, to show his bonafide, will deposit the up-to-date arrears of maintenance in the petitioner's bank account, which amount is to be used only for the welfare of the minor child. He will also deposit a further sum of Rs.5 lakhs in the name of the minor child in accordance with the order dated 17.08.2020. She further submits that the respondent is willing to bear the air fare expenses of the petitioner and the minor child and therefore, prays that the petitioner be directed to produce the minor child before the Court so that the respondent, as a father, can at least meet him physically.
7. Learned senior counsel for the petitioner, on instructions from the



petitioner's mother who is present in Court, submits that, in case, the respondent bears the travel expenses of the petitioner and the minor child by providing her with business class air tickets and further assures not to cause any harm whatsoever to the petitioner or the minor child or involve them in any criminal cases, the petitioner would be willing to visit the country for a short period of time so that the respondent can meet the minor child at a mutually convenient place.

8. In response, learned counsel for the respondent, on instructions from the respondent who is present in Court, submits that the petitioner has been travelling only in economy class and therefore, the respondent ought to be directed only to bear the expenses of economy class tickets of the petitioner and the minor child. She further assures the Court that the respondent will initiate action, if any, against the petitioner only in accordance with law.
9. Having considered the submissions of learned counsel for the parties, even though I am of the view that the concern of the respondent as a father to meet his minor child would be justified, the manner in which the impugned order dated 17.11.2022 has been worded, leaves much to be said. The learned Family Court has simply proceeded to observe that because the petitioner had earlier proceeded to leave the country with the minor child, she must be directed to now appear before the Court with the minor child during the holidays when the school of the child in Los Angeles will be closed for winter vacations. However, since the learned senior counsel for the petitioner submits that the petitioner has no objection to bringing the minor child to Delhi at a



convenient date, I am refraining from saying any further qua the manner in which the impugned order has been passed.

10. Accordingly, while adjourning the matter to 12.01,2023 and granting time to the respondent to deposit a sum of Rs.5 lakhs in terms of order dated 17.08.2020 as also pay the arrears of amount payable towards maintenance of the minor child, it is directed that till the next date, the operation of the impugned order dated 17.11.2022 will remain stayed. Once the respondent complies with the aforesaid directions, the Court will consider as to whether the petitioner ought to be directed to fly to Delhi with the minor child at the earliest convenient date.

11. List on 12.01.2023.

DECEMBER 19, 2022
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REKHA PALLI, J