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

+ **MAT.APP.(F.C.) 382/2024, CM APPL. 67840/2024-Stay**

DEEPAK SHARMA

.....Appellant

Through: Mr.Rohit Shukla, Mr.Vivek Kumar
Gaurav, Mr.Sunil Prajapati, Mr.
Abhay Solanki, Mr. Shawez, Mr.
Aman Dalal and Mr. Aman Limbu,
Advs.

versus

RAKHI SHARMA

.....Respondent

Through: None

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

21.11.2024

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CM APPL. 67839/2024-Exp

1. Allowed subject to all just exceptions.
2. The application stands disposed of.

MAT.APP.(F.C.) 382/2024, CM APPL. 67840/2024-Stay

3. The present appeal under Section 19 of the Family Courts Act, 1984 seeks to assail the order dated 12.11.2024 passed by the learned Family Court in GP No. 83/2024.
4. Vide the impugned order, the learned Family Court has directed the appellant to hand over the custody of the minor child aged 4 years 10 months to the respondent/ mother who is residing in her parental house since March, 2024.



5. Learned counsel for the appellant submits that while passing the impugned order, though the learned Family Court was swayed by the fact that the minor child was below five years of age, he has failed to appreciate that the child has been living with the appellant/ father since the time of his birth, during which period the respondent repeatedly left for her parental home by the child with the appellant. Furthermore submits that the learned Family Court has vide its order dated 19.11.2024 issued wholly unwarranted directions that in case the appellant does not handover custody of the minor child to the respondent, the child be arrested by the SHO, PS Chawla.
6. Upon the appellant taking steps, issue notice to the respondent through all permissible modes. The appellant is also granted liberty to serve the respondent through the learned counsel representing her before the learned Family Court.
7. Reply to the application, if any, be filed before the next date.
8. Till the next date, the operation of the impugned order will remain stayed.
9. List on 19.12.2024.
10. Copy of this order be given *dasti* under signatures of the Court Master.

REKHA PALLI, J

SAURABH BANERJEE, J

NOVEMBER 21, 2024/rr