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SLP(C)No. 15282 OF 2000  
ITEM No.3

Court No. 8

SECTION XIV

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.15282/2000

(From the judgement and order dated 17/05/2000 in CM 217/00  
of The HIGH COURT OF DELHI AT N. DELHI)

JAGDEEP SINGH

Petitioner (s)

VERSUS

SWAPNA SINGH

Respondent (s)

(With prayer for interim relief)

Date : 17/04/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.P. MISRA  
HON'BLE MR. JUSTICE U.C. BANERJEE

For Petitioner (s) Ms. Shalini Kumar,Adv.  
Ms. V. Mohana,Adv.

For Respondent (s) Mr. Y.P. Narula,Adv.  
Mr. Abhijeet Chatterjee,Adv.  
Mr. Chanchal Kumar Ganguli,Adv.

UPON hearing counsel the Court made the following  
O R D E R

The Special Leave Petition is disposed of in terms  
of the signed order. Costs on the parties.

.SP1

(Ganga Thakur)  
P.S.to Registrar

(V.P. Tyagi)  
Court Master

Signed order is placed on the file.

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.PL60

IN THE SUPREME COURT OF INDIA@@  
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CIVIL APPELLATE JURISDICTION@@  
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SPECIAL LEAVE PETITION (C) NO. 15282/2000.@@  
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Jagdeep Singh

..... Petitioner

-Versus-

Swapna Singh

..... Respondent

O R D E R@@  
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This is a case with reference to the custody of the child for which this Court passed the order on 24th January,2001 which is quoted hereunder:

.SP1

'Heard learned counsel for the parties. The question is about the custody of the child, a boy at present of about 10 years old, who, at present, is in the custody of the mother. We, at this juncture, would not like to dispose of the matter finally but give a chance for a congenial atmosphere, if possible, for the child returning to the father in terms of the decree passed. To start with we consider, after hearing counsel for the parties, that both the parents should meet at a common place for lunch along with the child for at least twohours for the next eight weeks on every Sunday at 1 P.M. at India Habitat Centre. During that period and during this interregnum till this Court takes up the matter, if a situation is created and thechild agrees, the mother should have no objection that the child may go for sometime with the father also. However, we want to make it clear that no force should be applied for the said purpose. Even the period of two hours which we have fixed as a minimum period but if both the partieswant to stay longer then this Court's order will not come in its way.

List the matter after eight weeks.'

.SP2

We made an attempt in view of the said order to find the mind of the child, whether he desires to go with the

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father instead of remaining with the mother. It was revealed that the child is not agreeable to leave the custody of the mother, hence we desired through our order dated 28th March, 2001, to produce the child before us for knowing the mind of the child. The child was produced on the 10th April,2001 in the Chambers and we talked to the child for some time. After talking to the child, we found that the child was very alive of the unfortunate situation between his father and mother but was not ready to leave the home of his mother to go with father. He had many things to tell which we need not record in our order. After talking to the child our clear feeling is, it would not be proper to give any direction that the child should go in the custody of his father. In order to decide the custody of the child of 10 years his natural desire and his future is very important to be kept in mind.

Today, we heard the matter and communicate our feeling which we gathered from the child. In view of this we feel, it would be appropriate in the interest of the child and keeping in view the issue involved, to pass the following order.

The child will continue under the custody of the mother. However, we grant liberty to the petitioner/father to meet the child every three months at the India Habitat Centre

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on the date mutually agreed to between the petitioner and the respondent/mother. Mutually agreed time would be the last week of the third month of each succeeding three months block and in case such an agreement is not possible it would be the last Sunday falling in the third or last month of the aforesaid block.

The first of such meeting may be on the 29th July,2001 at 1 P.M. On that day the child will be brought by mother to the India Habitat Centre and after handing over the child to the petitioner the mother may retrace back to collect the child round about 2.00 P.M.

This will continue in the same manner in each succeeding three months blocks. The mother may remain in close proximity of the child, but if possible to be away from his vision.

We hope and trust this arrangement will continue and if there is any possibility of hope of the change of the mind of the child, the petitioner is given the liberty to move this court after the expiry of two years from today.

In view of our this decision which we took after taking into consideration various matters. we further direct any matters pending interse between the parties for the custody of the child or any consequential proceedings including criminal proceedings shall stand disposed of in

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terms of the present order.

With the aforesaid observation the present Special Leave Petition is also disposed of. Costs on the parties.

.SP1

.....J.  
(A.P. Misra)

New Delhi,  
April 17,2001.

.....J.  
(U.C. Banerjee)