

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 (Crl) No(s).5002/2010

(From the judgement and order dated 25/05/2010 in CRLWP No.712/2010 of The
HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

JITENDER ARORA & ORS. Petitioner(s)

VERSUS

SUKRITI ARORA & ORS. Respondent(s)

(With appln(s) for permission to place additional documents on record,
stay, directions and office report)

Date: 31/01/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM
HON'BLE MRS. JUSTICE RANJANA PRAKASH DESAI

For Petitioner(s) Mr. V.K. Bali, Sr. Adv.
Mr. Prahjit Jauhar, adv.
Ms. Madhavi Diwan, Adv.
Mr. S.S. Jauhar, Adv.

For Respondent(s) Mr. Pritpal Nijjar, Adv.
For Ms.Jyoti Mendiratta, Adv.(NP)
Mr. Kamal Mohan Gupta, Adv. (NP)

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

The case was taken up for hearing yesterday at about 10.45
a.m. After hearing it for about an hour, we wanted to meet with
the girl Vaishali, whose custody is the subject of dispute between
petitioner No.1(her father) and respondent No.1 (her mother). We,
accordingly, adjourned the hearing of the case so that Vaishali
may be brought to the Court and we met her in the chamber of one
of us (Aftab Alam, J.) at 1:40 p.m.

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Vaishali is about 11 years old and appears to be quite
bright. She has been living with her father and grand-parents and
an uncle and his family under the same roof at Faridabad, Haryana
for more than five years. Hence, it was no surprise that she was
absolutely unwilling to leave her father to go and live with the
mother in her custody, as directed by the impugned order passed by
the Punjab and Haryana High Court. She was not even willing to
meet her mother and when we insisted that she should, at least,
meet her mother in the Judge's Chamber, she started crying
helplessly. In the end, however, we arranged a meeting between
Vaishali and her mother by asking the father to be present in the
Chamber for the first few minutes. As directed by us, petitioner
No.1 was present in the Chamber with Vaishali and her mother and
he left the Chamber after five or seven minutes and then both
Vaishali and her mother were together in the Chamber with no one
else present there.

In the present state, we find it difficult to forcibly take
away the child from her father and to give her in the custody of

the mother as that might cause great harm to the child.

Before proceeding further in the matter, it is essential that the mother should get an opportunity to win the child's love, confidence and trust as her mother. That is possible only if the two are allowed to meet and stay together for a while. We, therefore, with the consent of both sides propose to direct that Vaishali

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should stay with respondent No.1 at her residence in Delhi for one month under monitoring by the Court.

At the moment the mother needs some time to make arrangements in that connection. She has also to go back to England to make proper arrangements for her younger daughter Pushti and then she proposes to come back to Delhi after a month, when we may pass further orders, as indicated above.

Put up this case on March 19, 2013 at the top of the list.

|(Neetu Khajuria)

|(Sneh Bala Mehra)

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|Sr.P.A.

|Court Master

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