

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

CRLMP.NO. 11586/2012 in Petition(s) for Special Leave to Appeal
(Cr1) 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 directions and office report)

Date: 11/05/2012 This Petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE T.S. THAKUR
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Petitioner(s) Mr. Shyam Diwan, Sr. Adv.
MS. Madhvi Diwan, Adv.
Mr. S.S. Jauhar,Adv.

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

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

Issue notice.

Mr. S.S.Jauhar, Adv. accepts notice and seeks a week
time to file his objection to the prayer for interim custody
of the minor child Vaishali Arora from 24 th May, 2012 to 10th

June, 2012 to enable the applicant-mother to take the
child out of Delhi to places indicated in para 6 of the

application. Learned counsel for the applicant argued that
the custody of the minor girl shall be handed back to the
father-respondent by 11th June, 2012 at Delhi which should
not only give an opportunity to the mother to spend quality
time with the child but also enable the parties to evolve

some kind of arrangement under which the father can, if so advised, visit the second daughter who lives in U.K. with the mother. The prayer for interim custody does not appear to us to be in the least unreasonable in the facts and circumstances of the case especially the fact that the courts below have passed an order directing the custody of the child to be handed over to the mother wherein order has been stayed by us in the present appeal. The result is that although the courts below have found the mother entitled to custody of the child who is of tender age, the mother is unable even to establish contact with the minor child or associate with her. We were in that view inclined to pass an order as prayed for granting interim custody to the mother who is visiting India for the sole purpose of meeting the child for a limited period of two weeks as indicated in the application. Mr. Shyam Divan, learned senior counsel however submitted that since the mother and the child have been separated for nearly four years, it may be more appropriate if the two are allowed to meet if possible in the chambers before the court passes an order in the matter. Since the court is going for summer vacation from tomorrow,

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we have no option but to direct the matter to be listed before the Vacation Bench. We, accordingly, adjourn this application to be posted before the Vacation Bench in the week commencing 28th May, 2012. Mr. Diwan's client shall keep the child present in the court on that date to enable the applicant mother to meet her in chamber. Objections to this application may be filed in the meantime.

(Shashi Sareen)
Court Master

(Veena Khara)
Court Master