

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) Nos.28567-28568/2008

(From the judgement and order dated 26/11/2008 in MATA No.109/2008 and CM No.16546/2008 of The HIGH COURT OF DELHI AT N. DELHI)

BRINDA MALHOTRA Petitioner(s)

VERSUS

VIKRAM MALHOTRA Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned judgment and prayer for interim relief)

Date: 28/11/2008 These Petitions were mentioned today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL  
HON'BLE MR. JUSTICE G.S. SINGHVI

For Petitioner(s) Ms. Meenakshi Arora,Adv.  
Ms. Malay Narayan,Adv.  
Mr. Mohit D. Ram,Adv.

For Respondent(s) Mr. Nikhil Goel,Adv.  
Mr. Sayid Marzook Basaki,Adv.  
Ms. Sheela Goel,Adv.

UPON hearing counsel the Court made the following  
ORDER

Taken on Board.

Heard learned counsel for the petitioner.

...2/-

-2-

It appears that on 17th November, 2008, trial court directed the petitioner for handing over custody of the minor child, Raghu, to the respondent. Against the said order, an appeal was filed before the High Court which, by the impugned order passed on 26th November, 2008, has been directed to be listed on 8th December, 2008. So far as the prayer for grant of interim relief is concerned, nothing has been mentioned in the impugned order. We feel that till 8th December, 2008, custody of the child should not be made over to the father. After 8th December, 2008, whether the stay order would continue or not shall be considered by the High Court in appeal on 8th December, 2008, which is the next date fixed in the appeal.

With the aforesaid direction, the special leave petition is disposed of.

We may, however, observe that if the respondent feels aggrieved by this order, it would be open to him to move this court for

its recall.

[ Alka Dudeja ]  
Court Master

[ Savita Sainani ]  
Court Master