



\$~35

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

% *Date of decision: 29.05.2024*

+ **MAT.APP.(F.C.) 184/2024**

RAHUL AGGARWAL

..... Appellant

Through: Mr Shiv K. Gautam with Mr Rohit Gutpa, Mr Jatin Malhotra and Mr Shanu Ansari, Advocates.

versus

AARTI AGGARWAL & ANR.

..... Respondents

Through: Counsel for the respondents  
(appearance not given).

**CORAM:**

**HON'BLE MR JUSTICE RAJIV SHAKDHER**

**HON'BLE MR JUSTICE AMIT BANSAL**

[Physical Hearing/Hybrid Hearing (as per request)]

**RAJIV SHAKDHER, J.:** (ORAL)

**CM APPL. 32891/2024**

1. Allowed, subject to just exceptions.

**MAT.APP.(F.C.) 184/2024 and CM APPL. 32890/2024** [*Application filed on behalf of the appellant seeking interim relief*]

2. This appeal is directed against the judgment and order dated 22.05.2024 passed by Sh. M.P. Singh, Judge, Family Court, Tiz Hazari Court, Delhi, on an application preferred by respondent no.1/mother under Section 43(2) of the Guardians and Wards Act, 1890 [in short "Act"].

3. The record shows that the child is, approximately, four (4) years and



ten (10) months old.

4. The record also discloses that since the separation of the couple which took place in and about July 2023, the child has remained in the custody of the respondent/mother.

5. *Via* the impugned judgment and order, the Family Court has permitted respondent no.1/mother to withdraw the child from the school he was admitted to, i.e., Salwan Public School, Rajender Nagar, Delhi, and have him admitted to one of the schools in Meerut since the respondent/mother had lost her job in Delhi. It appears that respondent no.1/mother has obtained a job in Meerut, Uttar Pradesh.

6. The Family Court, *via* the very same order, has also issued directions to facilitate interaction between the appellant/father and the child, *albeit, via* WhatsApp. Accordingly, the appellant/father is entitled to interact with the child every Saturday and Sunday, from 05.00 P.M. to 05.30 P.M.

7. The main matter and other pending applications have been listed for hearing on 31.07.2024.

8. Counsel for the appellant/father says that, for the moment, the only relief the appellant/father seeks is that he should have physical interaction with the child during summer vacations.

9. We are informed that an application under Section 12 read with Section 26 of the Act with several reliefs, including access to the child during summer vacations, has been filed by the appellant/father and remains, presently, unaddressed.

10. Given this position, the appeal is disposed of with a direction to the concerned Family Court to take up the application filed by the appellant/father for consideration.



10.1 For this purpose, the parties and their respective counsel will present themselves before the Family Court on 03.06.2024.

10.2 Since the counsel for the respondents is present, he will take note of the direction issued above, and duly inform respondent no.1/mother about the fact that the application will be taken by the Family Court on the date given above.

11. The appeal is disposed of in the aforesaid terms.

12. Consequently, pending interlocutory applications shall also stand closed.

13. Parties will act based on the digitally signed copy of the order.

**RAJIV SHAKDHER, J**

**AMIT BANSAL, J**

**MAY 29, 2024/tr**