



\$~8 to 10

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

% *Date of decision: 07.05.2024*

+ **CONT.CAS(C) 50/2024**

LUV CHAUDHARY Petitioner

versus

SHRUTI AGARWAL Respondent

+ **MAT.APP.(F.C.) 245/2018, CM APPLs. 9963/2020, 40938/2022, 1888/2024 and 14266/2024**

SHRUTI AGARWAL Appellant

versus

LUV CHAUDHARY Respondent

+ **MAT.APP.(F.C.) 282/2018**

LUV CHAUDHARY Appellant

versus

SHRUTI AGARWAL Respondent

Presence: Mr Salman Khurshid, Sr. Advocate with Mr F.A. Ayyubi, Mr Ibad Mushtaq, Ms Akanksha Rai, Ms Shama Usmani and Ms Gurneet Kaur, Advocates for Shruti Agarwal along with Shruti Agarwal in person.

Ms Geeta Luthra, Sr. Advocate with Mr Aadarsh Kothari, Ms Ishita Agarwal and Ms Arpita Sahu, Advocates for Luv Chaudhary along with Luv Chaudhary in person.

CORAM:

HON'BLE MR JUSTICE RAJIV SHAKDHER

HON'BLE MR JUSTICE AMIT BANSAL

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



RAJIV SHAKDHER, J.: (ORAL)

1. We have heard counsel for the parties in the above-captioned matters.
2. A perusal of the cause title discloses that there are three proceedings before us.
 - 2.1 The first proceeding concerns a contempt petition filed by the father, i.e., Luv Chaudhary, alleging non-compliance with the direction contained in the order dated 03.08.2023 passed by the coordinate bench.
 - 2.2 The other two proceedings concern cross-appeals preferred by the father/Luv Chaudhary and the mother/Shruti Agarwal directed towards the order dated 15.09.2018 passed by the learned Judge, Family Court, Dwarka, New Delhi, while disposing of the application preferred by the father/Luv Chaudhary under Section 26 of the Hindu Marriage Act, 1955 [in short, “HMA”].
 - 2.3 The record would disclose that several rounds of deliberation have been undertaken by Ms Geeta Luthra and Mr Salman Khurshid, learned senior counsel appearing for the parties, during hearings and otherwise.
3. At times, the bench has also made suggestions in the best interest of the child.
4. The child today is around eight (8) years old and is presently, admitted to Delhi Public School (DPS), Sushant Lok.
5. Although initially, the father/Luv Chaudhary had a grievance with regard to the child being shifted from DPS, Dwarka to DPS Sushant Lok, the parties have, after discussions, resolved this aspect of the matter.
 - 5.1 Parties have agreed that the child can continue studying in DPS, Sushant Lok.
6. The other point of inflection between the parties concerned the



father/Luv Chaudhary, not being informed of the child's progress in school.

6.1 A perusal of the order dated 03.08.2023 shows that the coordinate bench had directed that the mother/Shruti Agarwal and the child's school in which he was studying at the relevant point in time [i.e., DPS, Dwarka] would furnish the information, as noted in the said order.

6.2 Mr Khurshid says that the information alluded to in paragraph 6 of the said order, as applicable to the school in which the child presently stands admitted, will be provided. For convenience, the details sought by the father/Luv Chaudhary, as contained in paragraph 6 of the order dated 03.08.2023, are replicated hereafter:

“6. Admittedly, the applicant/husband has sought the following access of the school activities of the child in Paragraph-8 of the present application: -

(i) Parents I-Card,

(ii) Circulars issued by the school at regular intervals,

(iii) Access to Parent-Teacher Meetings,

(iv) Regular progress reports,

(v) Almanac (is a communication tool between the class teacher and parents) to be shared with the applicant on a weekly basis,

(vi) RFID Card from a safety point of view wherein applicant's number is to be added as it would enable the applicant to know when the minor son is entering and leaving the school premises,

(vii) WhatsApp Group wherein parents and teachers communicate on a real time basis,

(viii) Access to the school portal.”

6.3 Since parties have arrived at an agreement concerning this aspect of the matter, we need not say more. We are hopeful that the mother/Shruti Agarwal will provide and/or enable access to the documents/circulars and to the teachers, so that the father/Luv Chaudhary is in the know of the academic and extracurricular activities in which the child is involved in, and the progress made by the child.



7. This brings us to the other sticking point, which concerns visitation.
- 7.1 Having heard the learned counsel for the parties as well as the parties who are present physically in Court, we are of the view that the following should govern the custody of the child:
- (i) The father/Luv Chaudhary will have custody of the child every Tuesday. He will be at liberty to pick up the child at 03.30 P.M. from the mother's/Shruti Agarwal's home. The child will be handed over to the mother/Shruti Agarwal on the same day, by 09.00 P.M.
- (ii) In addition, the father/Luv Chaudhary will have custody of the child for three weekends, i.e., the first, second, and fourth weekends of the month. For the remaining weekends, the child will remain in the custody of the mother/Shruti Agarwal. The weekend will begin on Friday, at 05.00 P.M., and end on Sunday, at 05:00 P.M.
- (iii) Insofar as school vacations are concerned, they will be shared equally by the father/Luv Chaudhary and the mother/Shruti Agarwal.
8. Mr Khurshid assures the Court that the child will not be shifted out of DPS, Sushant Lok without prior permission of the Court.
- 8.1 Furthermore, Mr Khurshid also assures the Court that the child will not be relocated outside the NCR, Delhi.
9. Parties will endeavour to make joint decisions concerning the child's well-being both with regard to school and otherwise.
10. While the child is in the custody of one parent, the other parent will be at liberty to seek access through video conferencing, after giving sufficient prior notice.
11. Counsel for the parties say that given the fact that the aforementioned



arrangements have been put in place, the pending contempt petition and appeals can be disposed of.

12. It is ordered accordingly. The contempt petition is closed. The cross-appeals are disposed of in the aforesaid terms.

13. Consequently, pending applications shall also stand closed.

RAJIV SHAKDHER, J

AMIT BANSAL, J

MAY 7, 2024 /tr