

\$~4

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

+ **CM(M) 1610/2018 & CM No. 54914/2018**

**GEETIKA GULATI & ANR**

..... Petitioners

Through: Mr. Manish Kaushik, Advocate with  
Petitioner in person.

versus

**CHETAN ANAND & ORS.**

..... Respondents

Through: Mr. Rajat Arora, Advocate with Mr. Udit  
Gupta, Advocate with Respondent in person.

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER**

% **31.12.2018**

**CM No. 54915/2018 (exemption)**

1. Exemption allowed, subject to all just exceptions.

**CM(M) 1610/2018 & CM No. 54914/2018 (for interim direction)**

2. The present petition under Section 227 of Constitution of India challenges the order dated 18<sup>th</sup> December, 2018 passed by learned Principal Judge, Family Court, Dwarka in Guardianship Petition No. 22/2018, whereby the application filed by the Petitioner-Mother seeking custody of the child during winter vacations of his school has been dismissed.

3. During the course of the arguments, learned counsel for the Respondent points out that vide order dated 18<sup>th</sup> August, 2018, the parties had consented to an

arrangement for sharing the interim custody of the child and in terms thereof the Petitioner-Mother is entitled to have the custody of the minor child from 10:00AM of every first and fourth Saturday till 5 pm on the corresponding first and fourth Sunday of every month. The aforesaid terms would apply during the winter vacations as well and accordingly the Petitioner is entitled to have the custody of the child for four out of nine days of the winter vacations.

4. Learned counsel for the Respondent also states that the Respondent has made travel plans for going to Jodhpur alongwith the minor child and they will be returning on 3<sup>rd</sup> January, 2019. He suggests that the Petitioner can retain the custody of the minor child from 10 AM on 4<sup>th</sup> January, 2019 till 7<sup>th</sup> January, 2019. Learned counsel for the Petitioner objects to the travel plans made by the father without consulting the Petitioner. However, he submits that the abovementioned arrangement of sharing of the interim custody of the child is acceptable to the Petitioner.

5. It is accordingly directed that the Respondent shall hand over the custody of the minor child, Ziv Anand to the Petitioner at 10:00 AM on 4<sup>th</sup> January 2019. Petitioner would retain the custody till 7<sup>th</sup> January 2019, when she would drop the child to Shri Ram Global Pre-School, Dwarka directly from her residence.

6. In case the school does not reopen, then the custody of the child will be handed over to the Respondent on 7<sup>th</sup> January, 2019 at 10 am.

7. Learned counsel for the Petitioner has further expressed his anxiety that in case the winter vacations are extended, the Petitioner should be entitled to have further interim custody of the child. It is made clear that in case such an event occurs, the

Petitioner would be at liberty to file an appropriate application before the concerned Family Court.

8. The impugned order is modified in terms of the agreement between the parties, recorded in the order herein above.

9. Accordingly, the present petition along with the pending application is disposed of.

**DECEMBER 31, 2018**

*ss*

**SANJEEV NARULA, J  
(VACATION JUDGE)**