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

Date of decision: 30.11.2023

+ **CM(M) 1966/2023 & CM APPL. 61565/2023**

RITURAJ SHUKLA

..... Petitioner

Through: Mr. Soayib Qureshi, Mr. Deepak Yadav and Mr. Harikesh Anirudhan, Advocates alongwith Petitioner in person

versus

LYDIA MONICA JOHN

..... Respondent

Through: Mr. Jawahar Raja, Mr. Mihir Samson, Ms. Asawari Sodhi and Ms. Aditi Saraswat, Advocates alongwith Respondent in person

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CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

J U D G M E N T

MANMEET PRITAM SINGH ARORA, J (ORAL):

CM APPL. 61566/2023 (for exemption)

Allowed, subject to all just exceptions.

Accordingly, the application stands disposed of.

CM(M) 1966/2023 & CM APPL. 61565/2023

1. This petition filed under Article 227 of Constitution of India impugns the order dated 24.11.2023 passed by Principal Judge, Family Courts, South



District, Saket Courts, New Delhi ('Family Court') in Guardianship petition bearing JP No. 76/2023, titled as '**Rituraj Shukla & Ors. v. Lydia Monica John**', whereby the Petitioner's application filed under Section 12 of the Guardians and Wards Act, 1890, has been dismissed.

2. The Petitioner herein is the father and Respondent is the mother. They are parents of two minor daughters namely, Ms. Grace Shukla (aged 8 years) and Ms. Prakriti Shukla (aged 5 years).

3. The issue arising for consideration in this matter is with respect to the visit of two (2) minor children to Dehradun for a wedding of the cousin of the Petitioner, scheduled on 07.12.2023.

4. Learned counsel for the Respondent states that the Respondent is apprehensive about sending the said minor children 'alone' with the Petitioner to attend the marriage at Dehradun on 07.12.2023. He reiterates that all past physical visitations have been granted under the supervision of the Respondent.

4.1. He fairly states that while passing the impugned order dated 24.11.2023, the Family Court did not have the benefit of interacting with the said minor children.

4.2. He concedes to the fact that the two minor children during the current academic session have taken holidays from school classes, for reasons other than illness.

4.3. He states that however, due to the pending litigation between the parties, the Respondent is apprehensive about permitting the minor children to go alone with the Petitioner.

4.4. He states that he has no objection if the matter is remanded to the Family Court for interacting with the children to ascertain their wish to



attend the marriage.

5. In reply, learned counsel for the Petitioner states on instructions that the Petitioner is willing to bear the air travel, lodging and boarding expenses of the Respondent along with the minor children, so as to enable them to travel to Dehradun on 06.12.2023 via a flight after 5 PM and to return back to Delhi on 07.12.2023 via a flight scheduled between 07:30 PM to 09:00 PM.

This Court would take note that the aforesaid flight timings have been suggested by the learned counsel for the Petitioner as per the request and convenience of the Respondent and the minor children.

5.1. He states that to allay the fears of the Respondent, the Petitioner, in addition, is also willing to bear the cost of the air travel, lodging and boarding of the Counsellor appointed by the Family Court vide order dated 18.10.2023. He states that the Petitioner is willing to bear the professional charges of the said Counsellor as well. He states that the Counsellor has consented to travel.

5.2. He states that the children be permitted to attend the marriage function between 04:00 PM to 07:30 PM. He states that the minor children can be accompanied to the marriage function by the Respondent, mother, and/or the Counsellor, as per the discretion of the Respondent.

5.3. He states that the children are comfortable with the Petitioner and would be willing to attend the marriage. He states that the Family Court be directed to interact with the children to ascertain their wishes.

6. At this stage, learned counsel for the Respondent states that in the event, the Family Court passes an order permitting the minor children to visit Dehradun; the Respondent's colleague i.e., Ms. Asawari Sodhi, may



also be permitted to accompany the Respondent for her comfort. He states that the Respondent be given an option to either accompany the minor children herself or be permitted to nominate another person.

The said suggestion of the Respondent is agreeable to the Petitioner.

6.1. He states that the minor children can remain present before the Family Court on 02.12.2023 at 1:00 PM.

7. Learned counsel for the Petitioner states that for the purpose of travel arrangements, the Petitioner will make booking of three (3) separate rooms in a 3-star hotel, of the standard of the parties, and flight tickets will be provided for all the three adult persons and two children from Delhi to Dehradun and return. The three adult persons being the Counsellor, Ms. Asawari Sodhi and the Respondent (or her nominee).

He states that the 3-star hotel will be independent and separate from the hotel where the Petitioner and his other wedding guests are residing.

8. Accordingly, in view of the aforesaid submissions, the impugned order dated 24.11.2023 is put in abeyance with a direction to the parties to appear before the Family Court on 02.12.2023 with an appropriate application and a copy of this order, requesting the said Court to meet and interact with the two minor children at 01:00 PM or thereafter, as per the convenience of the learned Family Court to ascertain the views of the children as regards their willingness to attend the wedding.

9. In the event, the Family Court comes to the conclusion that the children are comfortable travelling and attending the wedding in the presence of their mother i.e., the Respondent, the Family Court may pass appropriate orders keeping in view the consent given by the Petitioner and the Respondent with respect to the travel arrangements as recorded



hereinbefore including at paragraph nos. 5, 5.1, 5.2 and 7.

10. In case, the Respondent, mother is not willing to travel, she will be at liberty to nominate a person of her choice to accompany the two minor children.

11. With the aforesaid directions, the present petition is disposed of along with pending applications.

12. It is needless to state that the Family Court will take the decision uninfluenced by the decision taken in the order dated 24.11.2023 and anything recorded in this order.

13. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

NOVEMBER 30, 2023/rhc/aa

[Click here to check corrigendum, if any](#)