

14 GP 27/25

XXXXXXXXXXXX Vs. XXXXXXXXXXXX

20.07.2026

Present: Mr. Prateek Jindal, Advocate and Ms. Aasma Mehndiratta, Advocates, learned counsel for DH.
Ms. Rupali Shrivastava and Ms. Anish Mathur, Advocates, learned counsel for respondent.

नम्रता अग्रवाल
NAMRITA AGGARWAL
न्यायाधीश पारिवारिक न्यायालय-02
Judge Family Court-02
दक्षिण-पूर्व जिला
South-East District
साकेत, दिल्ली
Saket, Delhi

Heard and perused.

It is submitted by the learned counsel for the petitioner that petitioner's evidence has been concluded before the learned Court Commissioner and that the petitioner does not want to examine any other witness and P.E. may be closed. Separate statement of the petitioner is also recorded to this effect. In view of statement of petitioner, the petitioner's evidence is closed.

Further, an application under Section 12 of Guardians and Wards Act has been filed by the petitioner stating that since the examination of the child is going on therefore, permission is sought to seek custody of the child till 04.08.2026 i.e. the conclusion of the examination of the child.

Learned counsel for the respondent has vehemently opposed the application seeking custody of the child from 25.07.2026 i.e. in the midst of examination stating that the respondent will teach the child Spanish during the said period. On inquiry it has been stated by the counsels that Spanish examination of the child is on 31.07.2026 and prior to that on 28.07.2026 the child has Maths examination. On asking whether the respondent is ready to take the custody of the child from 28.07.2026 onwards, the respondent states that she has office on Wednesday, Thursday and Friday and therefore, she cannot take the custody of the child during the said period. This submission

- 52 -

न्यायाधीश पारिवारिक न्यायालय-02
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Saket, Delhi

automatically implies that respondent will not be in a position to teach Spanish to the child whose examination even otherwise falls on 31.07.2026. Thus, in order to avoid any inconvenience to the child of shifting residence in the midst of examination, the application filed by the petitioner is allowed and **the custody of the child is given to the petitioner till 04.08.2026.**

Respondent is at liberty to pick up the child after examination on 04.08.2026 from the residence of the petitioner but if it is inconvenient for her, considering her office days, she is at liberty to comply with order dated 04.04.2026 wherein the arrangement was accordingly made. The said application is accordingly disposed off.

It is submitted by the learned counsel for the petitioner that he is not pressing the review application at this stage. Hence, the said application is kept in abeyance to be decided at a later stage.

The matter is at the stage of **respondent's evidence.**

The respondent is directed to file affidavit of evidence along with list of witness within one month with copy to the petitioner. Further, the parties are directed to appear before learned Court Commissioner **Ms. Preeti for examination and cross-examination of respondent's witness on 24.08.2026 at 02:00 P.M.** The fees of the learned Court Commissioner as was already fixed vide order dated 18.03.2026 shall be paid by the respondent. The expenses of secretarial assistance, if any, for recording of evidence will also be borne by the respondent.

The respondent shall be given one session of two hours for examination in chief and three sessions of two hours for cross-examination.

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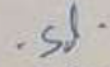
परमेश्वर अश्विनी प्रसाद-02,
Judge, Family Court-02,
दक्षिण-पूर्व जिला
South-East District
राजौर, दिल्ली
Bareilly, Delhi

It is made clear if the learned counsel for the petitioner needs more sessions to conclude cross-examination of respondent after said sessions, petitioner would bear the fee of Court Commissioner for additional sessions.

To come up for report of Court Commissioner regarding conclusion of respondent's evidence on **05.09.2026**.

Copy of the order be given dasti to both the parties.




[Namrita Aggarwal]
Judge, Family Court-02
South-East, Saket
20.07.2026/ks