SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

Anita vs Jatinder Kumar

Anita vs Jatinder Kumar

SooperKanoon Citation : sooperkanoon.com/1262809

Court : Delhi Orders

Decided On : May-04-2026

Judge : Hon'Ble Mr. Justice Sachin Datta

Appeal No. : CONT.CAS(C)/711/2026

Appellant : ANITA

Respondent : Jatinder Kumar

Advocate for Pet/Ap. : Ms. Archana Gaur, Ms. S. Pani

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of Decision: 04.05.2026 + CONT.CAS(C) 711/2026 & CM APPL.27041/2026 ANITA .....Petitioner Through: Ms. Archana Gaur, Adv. along with Petitioner- In-Person.

versus

JATINDER KUMAR .....Respondent Through: Ms. S. Pani, Adv. along with Respondent in Person.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

SACHIN DATTA, J. (ORAL)

1. The present petition alleges wilful disobedience of the directions

contained in the order dated 20.03.2026 passed by this Court in CONT.CAS(C) 206/2025.

2. It is noticed that vide order dated 20.03.2026 it was directed as under:-

3. The above order was passed in the backdrop of the fact that the

respondent was not adhering to the earlier order dated 18.04.2024 passed by the Family Court, in terms of which the respondent was directed to handover the custody of the concerned child to the petitioner within a period of eight weeks therefrom and certain visitation rights were granted to the respondent. Instead of adhering to the terms of the said order, the respondent refused to part with the custody of the child altogether. In this context, this Court was constrained to pass the order dated 20.03.2026, when, during the course of the hearing, the respondent stated that he was not interested in retaining custody of the child.

4. During the course of the present proceedings this Court had the

benefit of interacting with the parties and also the children on 27.04.2024.

5. It is evident that both the petitioner and the respondent have been

remiss in acting in the best interest of their child.

6. In the circumstances, it is incumbent on this Court to ensure that none

of the parties are able to obtain any unfair advantage on account of non-compliance / disobedience with the orders passed by this Court, and

prejudice the interest/s of the concerned child. Accordingly, in order to balance the respective rights of the the respondent and the petitioner, the following directions are issued:-

i. In terms of the order dated 20.03.2026, the custody of the minor daughter (presently with the respondent) shall be with the petitioner. However, the respondent shall be entitled to overnight custody of the child during weekends. In terms thereof, the respondent shall pick up the child from the petitioner at 11:00 AM on Saturday and return the custody of the child to the petitioner at 7:00 P.M on Sunday. It is agreed that in the event of any lapse on the part of the respondent in this regard, he shall cease to have any visitation right altogether. ii. During vacations, the custody of the child shall be equally shared between the petitioner and the respondent. iii. It is agreed that the parties shall strictly adhere to the aforesaid arrangement, which shall remain subject to the outcome of the proceedings in GP No. 44/2026, stated to have been initiated by the respondent. iv. The parties shall cooperate with each other in handing over the relevant documents to each other to ensure that the education of the concerned child does not get disturbed. If the petitioner is unable to ensure that the concerned child attends school regularly, the same shall entail re-examination as to whether petitioners custody of the child should continue.

7. No further orders are required to be passed in the present petition.

The same is accordingly disposed of in the above terms. Pending application

also stands disposed of.

8. It is made clear that in the event of violation by either party of the

aforesaid directions, the same shall be construed as egregious and wilful breach of the undertaking given to this Court entailing severe action.

SACHIN DATTA, J MAY 4, 2026/uk

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com