

Puja Kakar Vs. Arjun Kakar

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Court : Delhi

Decided On : Nov-01-2011

Judge : Indermeet Kaur, J.

Acts : Guardian and Wards Act - Section 25

Appeal No. : FAO No. 434 of 2011 and CM No. 18548 of 2011

Appellant : Puja Kakar

Respondent : Arjun Kakar

Judgement :

1. The order impugned before this court is the order dated 02.09.2011 vide which the application filed by the parties under Section 25 of the Guardian and Wards Act had been adjudicated upon; the custody of the child namely Baby Rohini Kakkar aged 12 years had been transferred from the mother to the father; the mother had been granted visitation rights as detailed in the said order. This order is the subject matter of the present petition. Parties are called in Chamber including Baby Rohini. The child was examined in Chamber in the first instance alone and she has expressed her desire to remain in the custody of the father. The child is mature and fairly intelligent; her thoughts are coherent and consistent. Her express desire to remain in permanent custody with her father with permission to visit her mother as and when she desires as also the said arrangement having been agreed upon by the parents keeping in view the desire of the child which is of

paramount consideration; for a period of the first three weeks of the month the child shall remain in the custody of the father; thereafter in the last week of every month the child will shift to the residence of the mother, this arrangement shall be adhered to and will continue till further orders. In between as and when the child desires, she may meet her father or her mother depending upon where she is staying at the said time. Both parties are open to this arrangement and there is no dispute to the fact that the child is free and open to interact with either of the parents as and when she desires but the custody arrangement as noted hereinabove shall continue till either of the parties wants the order to be varied because of change of circumstances. Baby Rohini is presently studying in the Sardar Patel Vidyalaya. The next vacation which is to fall due is scheduled in the month of January 2012; it will probably be a 10 days break; the next ensuing vacation would be a session break in March; then again the summer break probably for about two months. As per the desire of the child; as on date, she desires to share her vacation half and half between both the parents. With these directions, this petition is disposed of.

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