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

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Date of Decision : 15.06.2026

+ **MAT.APP.(F.C.) 211/2026 & CM APPL. 38911/2026**

.....Appellant

Through: Mr. Rohit Khurana, Ms. Akshara
Santosh, Advocates.

versus

.....Respondents

Through: Mr. C.M. Grover, Advocate.

CORAM:

HON'BLE MR. JUSTICE TEJAS KARIA

HON'BLE MS. JUSTICE MADHU JAIN

TEJAS KARIA, J. (ORAL)

CM APPL. 38912/2026

1. Exemption is allowed, subject to all just exceptions.
2. The Application stands disposed of.

MAT.APP.(F.C.) 211/2026

3. The present Appeal has been filed under Section 19 of the Family Courts Act, 1984 against the order dated 03.06.2026 (“**Impugned Order**”) passed by the learned Judge, Family Court-01, Shahdara District, Karkardooma Courts, Delhi (“**Family Court**”) in Guardianship Petition No. 13/2018 titled ‘ ‘ (“**GP No.**



13/2018”), whereby the Respondent has been granted exclusive custody of the minor girl child for a continuous period of sixteen days from 15.06.2026 to 30.06.2026 during the 2026 summer vacation.

4. The Respondent instituted GP No. 13/2018 before the learned Family Court seeking permanent custody of minor child. The learned Family Court *vide* order dated 09.04.2019 granted interim custody and expanded visitation rights to the Respondent. The Appellant challenged the order dated 09.04.2019 by filing MAT.APP.(F.C.) No. 126/2019 before this Court. This Court *vide* order dated 27.04.2019 stayed the order dated 09.04.2019, thereby suspending interim custody and expanded visitation pending adjudication of the aforesaid appeal.

5. The Appellant filed CONT.CAS(C) No. 1505/2024 before this Court on 06.09.2024 for violations of multiple directions by the Respondent. The learned Family Court *vide* order dated 26.12.2025 granted limited custody of seven days for winter vacation from 05.01.2026 to 11.01.2026, subject to specific safeguards to the Respondent.

6. The Appellant filed an Additional Affidavit dated 27.01.2026 before this Court in CONT.CAS(C) 1505/2024 documenting violations during the winter custody period. The Respondent filed CONT.CAS(C) No. 288/2026 against the Appellant alleging non-compliance with visitation on four consecutive Saturdays being 17.01.2026, 24.01.2026, 31.01.2026 and 07.02.2026.

7. This Court *vide* order dated 10.03.2026 in CONT.CAS(C) 288/2026 directed supervised Saturday visitation before a Child Counsellor at the Delhi



High Court Mediation Centre from 11:00AM to 02:00PM. This supervised mechanism was affirmed and continued *vide* orders dated 02.04.2026 and 25.05.2026 passed in CONT.CAS(C) Nos. 1505/2024 and 288/2026.

8. This Court *vide* order dated 25.05.2026 in CONT.CAS(C) Nos. 1505/2024 and 288/2026 took on record the Child Counsellor's report, directed continuation of the supervised Saturday visitation regime, and directed the learned Family Court to consider the summer custody application on its own merits with urgent consideration.

9. The Respondent filed an application before the learned Family Court seeking summer vacation custody. The learned Family Court on 01.06.2026 called minor child for an in-chamber interaction.

10. The learned Family Court *vide* the Impugned Order granted the Respondent exclusive custody of minor child for sixteen continuous days from 15.06.2026 to 30.06.2026 along with five compensatory custody days.

11. The learned Counsel for the Appellant submitted that as on the date of the Impugned Order, this Court had on three consecutive occasions *vide* orders dated 10.03.2026, 02.04.2026 and 25.05.2026 directed that the Respondent's access to the minor child shall operate exclusively through supervised Saturday sessions before Child Counsellor at this Court's Mediation Centre. The learned Family Court granted sixteen days unrestricted custody without any engagement with this supervised framework, which is wholly unsustainable.

12. The learned Counsel for the Appellant submitted that the minor child, now aged eleven years has consistently and categorically expressed her



unwillingness towards overnight or extended visitation with the Respondent particularly following her experience during the winter custody of January 2026.

13. The learned Counsel for the Appellant submitted that the Impugned Order is fundamentally flawed inasmuch as it fails entirely to adjudicate the Appellant's specific pleaded allegations regarding violations of the order dated 26.12.2025.

14. The learned Counsel for the Respondent submitted that the Impugned Order directed the Appellant to hand over the minor child to the Respondent on 15.06.2026 at 11:00 AM. The Respondent waited outside the Appellant's house for nearly two hours, during which time the Appellant took shelter behind the pretext that minor child was unwilling to accompany the Respondent.

15. The learned Counsel for the Respondent submitted that the Respondent was entirely unaware of the contempt proceedings being pursued against him in CONT.CAS(C) 1505/2024 until he received the advance notice of the Additional Affidavit dated 27.01.2026 served by the Appellant.

16. The learned Counsel for the Respondent further submitted that the Appellant has time and again resorted to the tactic of approaching this Court immediately before the vacation periods with the sole object of delaying and obstructing the handover of minor child to the Respondent.

17. We have heard the learned Counsel for the Parties and perused the documents on record.



18. The Appellant's grievances, as advanced before this Court, rest entirely upon the Respondent's conduct during the winter custody period of January 2026 that prohibited persons were present at pickup on 05.01.2026 and that the Respondent took minor child on an undisclosed interstate trip in violation of the order dated 26.12.2025.

19. The Appellant cannot be permitted to agitate identical grievances simultaneously through this Appeal while the contempt proceedings are *sub judice*. The violations of Court directions shall be considered by the Contempt Court and cannot be agitated in this Appeal arising out of custody order. The Impugned Order has been passed after interaction with the minor child in-chamber on 01.06.2026.

20. More significantly, this Court *vide* order dated 25.05.2026 itself restored jurisdiction to the learned Family Court to decide the summer custody application. The pending contempt proceedings being CONT.CAS(C) 1505/2024 and CONT.CAS(C) 288/2026 remain the proper forum for the Appellant's grievances.

21. This Court is also mindful that delay in custody matters itself causes prejudice to the child. The minor child has a right to meaningful time with both her parents. A consistent pattern of approaching Courts on the eve of vacation periods to stall the handover of the child, if countenanced, would be detrimental to the child's welfare and her relationship with both parents.

22. In view of the above, the present Appeal raises no substantial ground warranting interference with the Impugned Order. All grievances of the Appellant regarding the Respondent's conduct and non-compliance with



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judicial directions shall be addressed within the framework of contempt proceedings. The Appellant is at liberty to press all such submissions before the Contempt Court.

23. Accordingly, the Appeal is dismissed and the pending Application stands disposed of. No order as to costs.

TEJAS KARIA, J
(VACATION JUDGE)

MADHU JAIN, J
(VACATION JUDGE)

JUNE 15, 2026

N/ap