

ITEM NO.16

COURT NO.8

SECTION XV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 19072/2021

(Arising out of impugned final judgment and order dated 20-10-2021 in DBCMA No. 796/2021 passed by the High Court Of Judicature For Rajasthan At Jodhpur)

HIMANSHU CHORDIA

Petitioner(s)

VERSUS

ARUSHI JAIN

Respondent(s)

(FOR ADMISSION and I.R. and IA No.149391/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT....[TO BE TAKEN UP AT 2:00 P.M.])

Date : 16-12-2021 This petition was called on for hearing today.

CORAM : HON'BLE MS. JUSTICE INDIRA BANERJEE
HON'BLE MR. JUSTICE J.K. MAHESHWARI

For Petitioner(s) Mr. S.S. Jauhar, AOR

For Respondent(s) Mr. Ronak Karanpuria, AOR
Mr. gobind Kumar, Adv.
Mr. Sumit Sharma, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Heard learned counsel for the parties.

This special leave petition is against an order dated 20.10.2021 passed by a Division Bench of the High Court of Judicature for Rajasthan at Jodhpur rejecting the application of the petitioner for interim custody of his minor son. The application was declined having regard to the COVID-19 situation then prevailing.

The learned counsel for the petitioner submits that the

petitioner may be permitted to visit his minor son at Udaipur during the ensuing Christmas holidays and, particularly on 27th December which is the petitioner's birth day.

On behalf of the petitioner, it is submitted that the petitioner will go to Udaipur where he will stay in a hotel. The petitioner will pick up the child and take him out within Udaipur. He will not take the child out of Udaipur. The petitioner may pick up the child at about 2.00 p.m. on 26.12.2021 and take him out for a few hours and then return him to the mother, i.e., the respondent. Again, on 27.12.2021, on his birth day, the petitioner may pick up the minor child at about 11.00 a.m., take him out for lunch and return him to the mother by 5.00 to 6.00 p.m. In the event, the child wants to return earlier, the father will keep the wishes of the child, till the period of quarantine is over.

The petitioner shall take RTPCR test before starting his journey from Mumbai to Udaipur and again on his arrival at Udaipur. In case he is found COVID positive, there can be no question of meeting the child.

List the matter on 27.01.2022.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(MATHEW ABRAHAM)
COURT MASTER (NSH)