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

% Date of Decision: November 22, 2023

+ MAT.APP.(F.C.) 346/2023

VERMEET SINGH TANEJA Appellant
Through: Ms.Preeti Singh and Mr.Sunklan
Porwal, Advocates

versus

JASMEET KAUR Respondent
Through: Mr.Nikhil Rastogi, Advocate

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

V. KAMESWAR RAO, J. (ORAL)

CM APPL. No.60305/2023 (*exemption*)

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

MAT.APP.(F.C.) 346/2023

1. The challenge in this appeal is to an order dated November 06, 2023 of learned Judge, Family Court, North West District, Rohini Court, Delhi (hereinafter, referred to as the 'Family Court') in G.P. No.52/2023 whereby the learned Family Court had decided the application filed by the appellant herein under Section 43 (2) of the Guardians & Wards Act, 1890 ('G. D. Act', for short) seeking direction to the respondent herein to send the minor



child to Venkateshwar International School, Dwarka, Delhi. The said application was dismissed by the learned Family Court by stating in paragraph 8 as under:

“8. The Court has considered and tried to balance the arguments and counter arguments, addressed before the Court. The Court, as guardian of the minors in the cases before it, is mindful of the paramount importance of the wellbeing and welfare of the child. It is admitted case of both the parties that earlier the minor child was studying in Venkateshwar International School, Dwarka and currently he is studying in Prince Public School, Rohini. The petitioner has filed some photographs of both the schools and other documents also, in order to show the comparison of both the schools. Perusal of photographs and other documents shows that the Venkateshwar International School, Dwarka is better than the Prince Public School, Rohini. Presently, the child is studying in Prince Public School, Rohini where his mother/respondent is also working. He is now settled in his present school and it would be harmful to his learning environment and academic progress if he is displaced from his current school. It is in the welfare of the child that he should be kept in his current school and not shifted back to his previous school even if the Venkateshwar International School is slightly better one. I find force in the submissions of the Ld. counsel for the respondent that the Prince Public School, Rohini is in nearby vicinity where the respondent along with her son is residing and the respondent is also working there so that the minor child has comfort of going and coming with the mother and is under the supervision of the mother, all the time. The current school is suited to the needs of the child as his mother always remains present with him and therefore, the change of school at this stage would not be in the interest and welfare of the child. The allegations made by the petitioner with regard to the 'Rahao' group is a matter of trial and needs to be proved by the petitioner, at the appropriate stage.”



2. The submissions of learned counsel for the appellant are primarily the reiteration of the submissions made before the learned Family Court that is Venkateshwar International School, Dwarka is a much better school in all respects and the said school shall be appropriate for the proper welfare and development of the minor child. In this regard, learned counsel for the appellant has drawn our attention to certain photographs filed to show comparison between the facilities available at Venkateshwar International School, Dwarka and the Prince Public School in Rohini. He also submits that the appellant is ready and willing to arrange private transportation for the child from Pitampura to Dwarka and also from Dwarka to the residence at Pitampura. He states, the appellant can provide residence to the respondent and the child at Dwarka, provided the child studies in the above school at Dwarka.

3. On the other hand, learned counsel for the respondent submits that if the intent of the appellant is to get the child admitted in Venkateshwar International School, Dwarka, the said school has a branch in Rohini and the respondent is agreeable if the appellant can ensure the admission of the minor child in the said school at Rohini. On this, learned counsel for the appellant would submit that he is not sure that the minor child would get the admission in Rohini branch of the Venkateshwar International School.

4. Noting the rival submissions, it must be held that it is a settled position of law that the welfare of a child is of prime consideration for deciding issue of this nature. It is also a conceded position that the respondent/mother is residing in Pitampura and the school at Dwarka is at a distance of 20 kms from Pitampura, and it is also a conceded case that the school at Rohini



(where the minor child is currently studying) is much nearer than the school at Dwarka.

5. This fact is enough to reject the appeal. Any order as sought by the appellant shall be to the inconvenience of the minor child who is about 7 years of age, cannot be granted. We are of the view, that the impugned order of the Family Court does not require any interference: The appeal is dismissed, as such.

V. KAMESWAR RAO, J.

MANMEET PRITAM SINGH ARORA, J.

NOVEMBER 22, 2023/v