

ITEM NO.1

COURT NO.3

SECTION IV-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 4869/2023

(Arising out of impugned final judgment and order dated 31-01-2023 in MFA No. 2786/2022 (GW) passed by the High Court of Karnataka at Bengaluru)

DR. EKTA SINGH

Petitioner(s)

VERSUS

DR. RAJEEV GIRI

Respondent(s)

(FOR ADMISSION and IA No.49952/2023-PERMISSION TO FILE LENGTHY LIST OF DATES and IA No.49951/2023-PERMISSION TO APPEAR AND ARGUE IN PERSON )

Date : 07-03-2023 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA  
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH  
(Vacation Bench)

For Petitioner(s) Petitioner-in-person

For Respondent(s) Ms. Divya Swami, AOR

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

Application for permission to appear and argue in person is allowed.

The special leave petition is filed against the final order of the High Court of Karnataka at Bengaluru passed in MFA No.2786 of 2022 (GW). The MFA No.2786 of 2022 (GW) arises out of the custody petition filed by the respondent-husband under Section 25 of The Guardians and Wards Act, 1890 which culminated in order dated 03.03.2022 of the Trial Court as affirmed by the High Court vide its order dated 31.01.2023. The High Court had directed that

the custody of the minor child be granted to the respondent-husband after completion of her examinations for the academic year 2022-2023.

The final directions of the High Court are in paragraph 68 of the impugned order. The relevant portion is as under:-

“(i) The appellant is directed to hand over the minor child to the custody of the respondent after completion of the child’s annual final examinations for the present academic year i.e., 2022-23.

We have been informed by the petitioner-in-person that the examinations will be concluded on 13<sup>th</sup> March, 2023. The said date is disputed by the learned counsel appearing on behalf of the Caveator. If the examination is to conclude on 13<sup>th</sup> March, 2023, the petitioner-Dr. Ekta Singh will be entitled to have the custody of the minor child till that date.

The reason for urgent hearing is the letter of petitioner dated 06.03.2023 addressed to the Registry, indicating that the Family Court had issued a warrant of arrest in the name of petitioner-Dr. Ekta Singh on 03.03.2023 in Ex.C 36 of 2023.

Unfortunately, we neither have a copy of the order passed by the Family Court nor the warrant of arrest dated 03.03.2023. We also do not have the application leading to passing of the order.

Under these circumstances, we deem it appropriate to direct the petitioner-in-person to approach the High Court against the order dated 03.03.2023 in view of the fact that the High Court had directed her to retain the custody of the minor child till the conclusion of the examinations. We request the High Court to

consider the application and pass appropriate orders.

In the meanwhile, the petitioner-Dr. Ekta Singh shall not be arrested in connection with order dated 03.03.2023 in Ex.C 36 of 2023 till 15.03.2023.

At the request of the petitioner-in-person, the special leave petition be placed in the mentioning list on 13.03.2023 for fixing a date of hearing before an appropriate Bench.

(JAGDISH KUMAR)  
COURT MASTER (SH)

(VIRENDER SINGH)  
BRANCH OFFICER