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

% ***Judgement reserved on: 22.09.2025***
Judgement delivered on: 08.10.2025

\+ MAT.APP.(F.C.) 345/2025

KARUNA NATH .....Appellant
Through: Mr. Pramod Kumar, Adv.

versus

DIPENDER NATH .....Respondent
Through: *Nemo.*

CORAM:
HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

J U D G E M E N T

HARISH VAIDYANATHAN SHANKAR J.

1. The present Appeal has been preferred under Section 19(1) of the Family Courts Act, 1984, challenging the **Order dated 08.07.2025**[1] passed by the learned **Principal Judge, Family Court-02, West, Tis Hazari Courts, Delhi**[2], in Guardianship Petition No. 127/2023, titled *'Dipender Nath v. Karuna Nath'.*

2. By the Impugned Order, the learned Family Court, in exercise of its powers under Section 12 of the **Guardians and Wards Act, 1890**[3], granted interim custody of the minor child to the Respondent-Father until the disposal of the petition, while confining the Appellant-

[1] Impugned Order
[2] Family Court.
[3] GW Act

Mother's visitation to every Sunday from 2:00 p.m. to 4:00 p.m. at the Children's Room, Tis Hazari Courts, Delhi.

BRIEF FACTS:

3. The marriage between the Appellant-Mother and Respondent-Father was solemnized on 17.02.2020 at Samuday Bhawan, Nangloi, Delhi. From the said wedlock, a male child, Master Divyansh Nath, was born on 25.01.2021.

4. During the course of cohabitation, matrimonial discord arose between the parties, as a result of which they have been living separately since 27.10.2023.

5. It is alleged that the Appellant-Mother, on certain occasions, left the matrimonial home without prior intimation, leaving the child unattended. In one such incident, the Respondent, along with the Appellant's mother, lodged a missing complaint on 30.03.2023, which was registered as GD No. 0142A at Police Station Nangloi, Delhi. The Respondent-Father has further alleged that the Appellant maintained a relationship with one Amit Bhardwaj, which, according to him, aggravated the discord between the parties.

6. On the premise that the Appellant was neglecting her parental responsibilities, the Respondent-Father sought custody of the minor child. As the Appellant did not accede to his request, the Respondent instituted Guardianship Petition No. 127/2023 under Section 25 of GW Act before the learned Family Court seeking seeking permanent custody of the minor child. Along with the petition, an application under Section 12 of the GW Act was also filed, seeking interim custody of the child.

7. In support of his petition, the Respondent-Father alleged that the Appellant was involved in extraneous relationships beyond the

marriage and, in pursuit thereof, neglected the welfare of the child. He further relied upon certain photographs purportedly showing the minor child sleeping unattended on a pull cart in an open area.

8. The record of proceedings before the learned Family Court shows that the Appellant did not regularly participate in the case. Her repeated non-appearance led to the issuance of non-bailable warrants and, eventually, publication orders to secure her presence. The Order dated 28.04.2025, appended to the present appeal, records the following:

> "**At 10:30 a.m.**
> Present: Petitioner with Ms. Preeti Srivastava, Ld. counsel.
> Ms. Simran Aggarwal, Ld. counsel for respondent.
>
> Ld. counsel for respondent is directed to ask the respondent to appear before this Court along with minor children at 12:30 p.m. Matter is passed-over for 12:30 p.m.
>
> **At 12:50 p.m.**
> Present: Petitioner with Ms. Preeti Srivastava, Ld. counsel.
> None for respondent.
>
> Despite directions of this Court, respondent has not appeared and even she has not brought the minor children.
>
> On the last date of hearing, concerned SHO was directed to file report, including, statement, if any, recorded by S.I. Sandeep, however, despite issuance of Court Notice, none has appeared on behalf of SHO PS: Prem Nagar.
>
> SHO concerned is directed to appear in person on the next date of hearing and to explain about the non-compliance of order dated **14.11.2024.**
>
> **Copy of this order as well as order dated 14.11.2024 be sent to concerned SHO and SHO concerned as well as S.I. Sandeep are directed to comply with the order dated 14.11.2024.**
>
> Since the respondent is not appearing despite directions, ***respondent is proceeded ex-parte.***
>
> Be put up on 08.07.2025 for P.E.
>
> **At 01 :20 p.m.**
> **At this stage, Sh. Pramod Kumar, Ld. counsel for respondent has appeared and he is apprising of today's order.**

Ld. counsel for respondent submitted that respondent is residing at 78, Amar Colony, Kamaruddin Nagar, Nangloi, Delhi-110041.

It is further submitted by him that today, respondent is not well, however, no medical document has been placed on record.

Mother of respondent was appearing in this case regularly and she has submitted that respondent has eloped with one Amit and she has also taken minor children. She has further submitted that the said Amit was already married and whereabouts of respondent were not in her knowledge.

Accordingly, for the welfare of minor children, NBWs were repeatedly issued against respondent on 22.12.2023, 12.01.2024, 17.02.2024, 01.03.2024, 02.04.2024 and 29.04.2024. When the repeated efforts to trace out respondent have failed, then, publication orders were passed.

Considering the previous conduct of respondent, issue fresh NBWs against respondent without any P.F. on the aforesaid address of respondent, returnable for the date already fixed.

Copy of this order be given Dasti to petitioner /Ld . counsel for petitioner and he is permitted to accompany the concerned official for the arrest of respondent.

SHO is directed to immediately produce the respondent after receiving the NBWs.

Copy of this order be also sent to the concerned SHO."

9. Upon hearing the parties, by the Impugned Order dated 08.07.2025, the learned Family Court granted interim custody of the minor child to the Respondent-Father until disposal of the petition, while restricting the Appellant-Mother's visitation to every Sunday between 2:00 p.m. and 4:00 p.m. at the Children's Room, Tis Hazari Courts, Delhi.

10. Aggrieved by the Impugned Order, the Appellant-Mother has filed the present appeal.

CONTENTIONS OF THE APPELLANT:

11. Learned counsel for the Appellant-Mother would assail the Impugned Order primarily on the ground that the learned Family Court has recorded a *prima facie* finding, wholly unsustainable and

contrary to the record, to the effect that the Appellant is living in an adulterous relationship with one Amit Bhardwaj.

12. It would further be contended by the learned Counsel for the Appellant that the Appellant, being the biological mother, is the natural guardian of the minor child, and that the transfer of custody to the Respondent-Father would not subserve the paramount consideration of the welfare and best interests of the child.

ANALYSIS:

13. At the outset, we consider it appropriate to draw attention to the relevant observations contained in the Impugned Order of the learned Family Court, which are reproduced as under:

> "**08.07.2025**
> Present: Petitioner with Ms. Preeti Shrivastava, Ld. counsel.
> Ms. Simran Aggarwal, Ld. counsel for the respondent.
> SI Sandeep Chauhan (PIS No. 28109056), P.S. Prem Nagar, Delhi.
>
> SI Sandeep Chauhan has filed the Status Report along with the copy of the Statement of Sh. Amit Bhardwaj. As per the Status Report, one Ms. Pushpa had lodged the missing complaint against the unknown person regarding missing of her husband Amit Bhardwaj. During enquiry, Amit Bhardwaj was traced and Amit Bhardwaj had given the statement to the police that he is living along with his friend Karuna in relationship in the area of Narela, Delhi. It is also mentioned in the said report that Sh. Amit Bhardwaj does not wants to live with his wife as his life is in danger from his wife as well as the family members. Accordingly, the complaint was filed by the concerned police station.
>
> The said Status Report along with the copy of the Statement of Amit Bhardwaj are taken on record.
>
> In view of the above, the above named SI is discharged.
>
> In view of the Status Report as well as the earlier orders, passed by this Court, this Court is of the *prima facie* view that the respondent is living in adulterous relationship with one Mr. Amit Bhardwaj, who is already the married person and having two children from his first wife, the interim custody of the minor child be handed-over to the petitioner on 11.07.2025 at 11.00 a.m. before the concerned Supervisor of Children Room, Tis Hazari Courts, Delhi and the interim custody of the minor child will remain with

> the petitioner till the disposal of the present petition. The respondent is directed to bring the minor child on the said place, date and time for handing-over the same to the petitioner. After handing-over the interim custody of the minor child to the petitioner, the respondent [*sic*] is directed to bring the minor child at Children Room, Tis Hazari Courts, Delhi on every Sunday at 02.00 p.m., where, the respondent can meet the minor child from 02.00 p.m. to 04.00 p.m.
>
> It is expected from the parties that they will not pollute the mind of the minor child against each other so that environment of the minor child shall remain congenial for overall development of the minor child.
>
> During the said visitation, the said parties/their parents/ relatives, etc., shall maintain peaceful and cordial behaviour with each other and parties will not create ruckus at that time at the said place in order to maintain peace and harmony amongst themselves as well as for the welfare of minor child.
>
> During the said visitation, petitioner shall remain outside the Children Room and she [*sic*] will not disturb/ interrupt in the said visitation. If the said petitioner [*sic*] wants to give gift(s) to the minor child, then, he [*sic*] is permitted to do so.
>
> Be put up on 13.10.202S for P.E.
>
> Ld. counsels for parties are permitted to obtain dasti copy of this order, on filing of application and payment of prescribed Court fees."

14. Learned counsel for the Appellant, while not controverting the said findings in their entirety, would submit that the circumstances prevailing within the matrimonial household compelled the Appellant-Mother to reside separately, and in doing so, she was constrained to take shelter with another person.

15. Adverting to the issue at hand, this Court is of the considered view that, *de hors* the factual matrix of the present case, the mere existence of an adulterous relationship, *ipso facto*, cannot serve as a determinative ground for awarding or denying interim custody to either parent. Such a circumstance assumes significance only if it demonstrably impacts the welfare of the minor child by depriving the child of maternal affection, care, or a sense of security. This principle

has been succinctly laid down by a Co-ordinate Bench in ***Vineet Gupta v. Mukta Aggarwal***[4]. The relevant portions of the judgment are reproduced below:

> "**25.** As has been observed by the learned Principal Judge, Family Court that there are no supporting documents to explain the nature of depression, but we observe that the fact remains that he got disillusioned by whatever circumstances, which compelled him to be away from his family for about 2.5 years. Such disillusionment of the appellant/father is not sufficient to conclude that he was permanently rendered incapable of being a good parent.
>
> **26.** Likewise, though it has been proved from the overwhelming evidence on record that the respondent/mother had an extra-marital affair, this in itself cannot be the ground to disentitle the respondent/mother from the custody of the children unless there is something more to prove that her interests elsewhere has led to impinging on the welfare of the children. The question remains that whether such involvement of the respondent/mother had rendered her unfit for the custody of the children?
>
> **27.** The evidence on record reflects that the respondent/mother frequently spent her time by taking leave from the office or otherwise with the third person, Amit Garg in whom she had special interest. While the overemphasis of the entire evidence has been to prove the extra-marital affair, but there is not an iota of evidence to show that whatever may have been the personal affairs of the respondent/mother, she in any way, failed to take care of the needs of the children. The respondent/mother may not have been a faithful or a good wife to the appellant/husband, but that in itself is not sufficient to conclude that she is unfit to have the custody of the minor children, especially when no evidence has been brought on record to prove that she in any manner, neglected to take care of the children or that her conduct has resulted in bad influence of any kind, on the children.
>
> **28.** It is not denied that the respondent/mother is a Post-graduate in Mass Communication and M. Sc. and has passion for teaching. Both the appellant/father and the respondent/mother are senior officers in the Government and they are therefore, similarly placed and are equally capable financially to take care of the children.
>
> **29.** Both, being employed in services, naturally look for support of their parents for taking care of the requirements of the children. Admittedly, the respondent/mother had been residing with her parents while the appellant/father also has his parents to support him in taking care of the children. Here too, they both are similarly

[4] 2024 SCC OnLine Del 678

placed in their capacities to look after the welfare of the children. There is not an iota of evidence that the education of the children has been hampered or has suffered in any manner, while the children were in the exclusive custody of the respondent/mother for a period of 2.5 years or subsequently when the children were with the appellant/father. It thereby, leads to the irresistible inference of the educational requirements of the children also being taken care of equally by both the parents.

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31. Therefore, though the father may be equally capable of taking care of the minor daughters, but that in itself cannot be the ground to disturb the custody of the children who are now in the custody of the respondent/mother since January-February, 2020.

32. In this backdrop, we also cannot overlook that the children are the minor girls who are now aged about 12 and 10 years respectively. Being daughters who are in their formative years, their special needs during their puberty and adolescence, can be better understood and taken care of by the respondent/mother. Moreover, the children, during their interaction with the learned Principal Judge, Family Court, had expressed their intelligent preference to be with the respondent/mother. Though they had conceded that they were also comfortable with their appellant/father but they wanted to stay with their mother.

33. Therefore, considering that it is the interest and welfare of the children, which is the paramount consideration in such matters, the grant of permanent custody to the respondent/mother cannot be faulted. We do not find any reason to interfere in the grant of permanent custody to the respondent/mother.

34. We observe from the above discussion that the appellant/father has also been equally involved in the welfare of the children. The relationship between the appellant/father and the respondent/mother as husband and wife may not have been of trust, faith and cordiality, but their relationship *inter se* cannot be held to be the determining factor for working out the custody plan of the children."

(emphasis supplied)

16. To reinforce this position, the Bombay High Court, in its pronouncement in ***Abhishek Ajit Chavan v. Gauri Abhishek Chavan***[5], while adverting to and placing reliance upon the dictum of this Court in ***Vineet Gupta*** (*supra*), further reiterated that allegations

[5] 2024 SCC OnLine Bom 1140.

of adultery, in and of themselves, cannot constitute a determinative factor for adjudging custody rights, and proceeded to make the following pertinent observations, which are extracted hereinbelow:

> **"45.** The submission made on behalf of the petitioner/husband as regards the adulterous behavior of the respondent/wife, according to me, these are the allegations which are made in the marriage petition by Husband before Family Court, filed in the year 2020. The said allegation has to be proved by leading evidence before the Family Court. Therefore, based on the allegations, the doubt as to whether the custody can be given to the wife will have no bearing. There is no doubt as held by the various judgments that not a good wife is not necessarily that she is not a good mother.
>
> **46.** In the present case as regards, the allegations made by Husband are still to be proved. In the judgment of ***Vineet Gupta v. Mukta Aggarwal, 2024 SCC OnLine Del 678***, it has been held that even though the allegations are proved as regards the wife's extra martial affair, still as far as the custody of the minor children is concerned, in a given case, the same can be granted to the wife.
>
> **47.** Adultery is in any case a ground for divorce, however the same can't be a ground for not granting custody."
>
> ***(emphasis added)***

17. In light of the aforesaid dictums, it is evident that, in the present case, what would weigh is not the allegation of adultery *per se*, but rather the Appellant's persistent abdication of her maternal obligations. The record clearly reflects her continued indifference towards the guardianship proceedings, coupled with repeated disregard for the authority of the Court. Such conduct is not a mere procedural lapse but is indicative of a deeper apathy towards the welfare of the minor child. This position stands fortified by the Report of the SHO, which records that for nearly two years the Appellant displayed habitual neglect and irresponsible abandonment, thereby imperiling the well-being and best interests of the child-considerations which are paramount in custody adjudication.

18. It is a trite law that in custody matters, the overarching and paramount consideration is the welfare and best interest of the child, which far outweighs the competing rights or entitlements of either parent. The Hon'ble Supreme Court has laid down this principle in ***Sheoli Hati v. Somnath Das***[6], wherein it was held as follows:

> "**17.** It is well settled that while taking a decision regarding custody or other issues pertaining to a child, welfare of the child is of paramount consideration. This Court in ***Gaurav Nagpal* v. *Sumedha Nagpal***, had the occasion to consider the parameters while determining the issues of child custody and visitation rights, entire law on the subject was reviewed. This Court referred to English Law, American Law, the statutory provisions of the Guardians and Wards Act, 1890 and provisions of the Hindu Minority and Guardianship Act, 1956, this Court laid down following in paras 43, 44, 45, 46 and 51 : (SCC pp. 55-57)
>
> > "*43*. The principles in relation to the custody of a minor child are well settled. In determining the question as to who should be given custody of a minor child, the paramount consideration is the "welfare of the child" and not rights of the parents under a statute for the time being in force.
> >
> > *44*. The aforesaid statutory provisions came up for consideration before courts in India in several cases. Let us deal with few decisions wherein the courts have applied the principles relating to grant of custody of minor children by taking into account their interest and well-being as paramount consideration.
> >
> > *45*. In ***Saraswatibai Shripad Vad v. Shripad Vasanji Vad*** the High Court of Bombay stated : (SCC OnLine Bom)… It is not the welfare of the father, nor the welfare of the mother, that is the paramount consideration for the court. *It is the welfare of the minor and of the minor alone which is the paramount consideration*…'
> >
> > *46*. In ***Rosy Jacob* v. *Jacob A. Chakramakkal***, this Court held that object and purpose of the 1890 Act is not merely physical custody of the minor but due protection of the rights of ward's health, maintenance and education. The *power* and *duty* of the court under the Act is the welfare of minor. In considering the question of welfare of minor, due regard has of course to be given to the right of the father as natural guardian but if the custody of the

[6] (2019) 7 SCC 490.

> father cannot promote the welfare of the children, he may be refused such guardianship.
>
> ***
>
> *51*. The word "welfare" used in Section 13 of the Act has to be construed literally and must be taken in its widest sense. The moral and ethical welfare of the child must also weigh with the court as well as its physical well-being. Though the provisions of the special statutes which govern the rights of the parents or guardians may be taken into consideration, there is nothing which can stand in the way of the court exercising its *parens patriae* jurisdiction arising in such cases."
>
> (emphasis in original)

> **18.** Every child has right to proper health and education and it is the primary duty of the parents to ensure that child gets proper education. The courts in exercise of *parens patriae* jurisdiction have to decide such delicate question. It has to consider the welfare of the child as of paramount importance taking into consideration other aspects of the matter including the rights of parents also. In reference to custody of a minor, this Court had elaborated certain principles in ***Thrity Hoshie Dolikuka* v. *Hoshiam Shavaksha Dolikuka***, wherein this Court again reiterated that the welfare of the child is of paramount importance. In para 17, following was laid down : (SCC p. 565)
>
> "*17*. The principles of law in relation to the custody of a minor appear to be well-established. It is well-settled that any matter concerning a minor, has to be considered and decided only from the point of view of the welfare and interest of the minor. In dealing with a matter concerning a minor, the court has a special responsibility and it is the duty of the court to consider the welfare of the minor and to protect the minor's interest. In considering the question of custody of a minor, the court has to be guided by the only consideration of the welfare of the minor."
>
> ….."
>
> ***(emphasis added)***

19. The Hon'ble Supreme Court in ***Ashish Ranjan v. Anupma Tandon***[7] reiterated the object and scope of the GW Act in emphatic terms. The Apex Court observed that the settled legal proposition is that, in determining which parent should be entrusted with the care and control of a child, the paramount consideration is always the

[7] (2010) 14 SCC 274

welfare and best interest of the child, rather than the statutory rights of the parents. Each case must be decided on its own facts and circumstances, as the application of the doctrine of *stare decisis* has little relevance in questions of child custody, given that the factual matrix of each case is unique. It was also stressed by the Court that "*moral and ethical welfare*" of the child is as important as physical well-being, and both must weigh heavily in the judicial mind. The relevant excerpt of the said judgement reads as under:

> "**18.** It is settled legal proposition that while determining the question as to which parent the care and control of a child should be given, the paramount consideration remains the welfare and interest of the child and not the rights of the parents under the statute. Such an issue is required to be determined in the background of the relevant facts and circumstances and each case has to be decided on its own facts as the application of doctrine of stare decisis remains irrelevant insofar as the factual aspects of the case are concerned. While considering the welfare of the child, the "moral and ethical welfare of the child must also weigh with the court as well as his physical well-being". The child cannot be treated as a property or a commodity and, therefore, such issues have to be handled by the court with care and caution, with love, affection and sentiments applying human touch to the problem. Though, the provisions of the special statutes which govern the rights of the parents or guardians may be taken into consideration, there is nothing which can stand in the way of the court exercising its parens patriae jurisdiction arising in such cases. (***Vide Gaurav Nagpal v. Sumedha Nagpal [(2009) 1 SCC 42]***.)
>
> **19.** The statutory provisions dealing with the custody of the child under any personal law cannot and must not supersede the paramount consideration as to what is conducive to the welfare of the minor. In fact, no statute on the subject, can ignore, eschew or obliterate the vital factor of the welfare of the minor. (***Vide Elizabeth Dinshaw v. Arvand M. Dinshaw [(1987) 1 SCC 42], Chandrakala Menon v. Vipin Menon [(1993) 2 SCC 6], Nil Ratan Kundu v. Abhijit Kundu [(2008) 9 SCC 413], Shilpa Aggarwal v. Aviral Mittal [(2010) 1 SCC 591]*** and ***Athar Hussain v. Syed Siraj Ahmed [(2010) 2 SCC 654]***)"

20. Similarly, in ***V. Ravi Chandran (2) v. Union of India***[8], a three-Judge Bench of the Hon'ble Supreme Court reaffirmed the above principle and held that whenever the custody of a minor child comes into question, the same must not be decided on the basis of the legal rights of the contesting parties, but exclusively on the sole and predominant criterion of what would serve the best interest of the child. The relevant portion of the said judgment reads as follows:

> "**27**. … It was also held that whenever a question arises before a court pertaining to the custody of a minor child, the matter is to be decided not on considerations of the legal rights of the parties, but on the sole and predominant criterion of what would serve the best interest of the minor."

21. The principles were further elaborated in ***Smriti Madan Kansagra v. Perry Kansagra***[9], where a three-Judge Bench of the Hon'ble Supreme Court comprehensively outlined the considerations to be borne in mind while passing custody-related orders. The Court categorically emphasized that the welfare of the child must be interpreted broadly and must encompass not only physical well-being but also moral and ethical welfare. The relevant paragraphs of the said judgment read as follows:

> "**15.4.** This Court in ***Gaurav Nagpal v. Sumedha Nagpal, (2009) 1 SCC 42***, held that the term "welfare" used in Section 13 must be construed in a manner to give it the widest interpretation. The moral and ethical welfare of the child must weigh with the court, as much as the physical well-being. This was reiterated in ***Vivek Singh v. Romani Singh, (2017) 3 SCC 23***, wherein it was opined that the "welfare" of the child comprehends an environment which would be most conducive for the optimal growth and development of the personality of the child.
>
> **15.5.** To decide the issue of the best interest of the child, the Court would take into consideration various factors, such as the age of the child; nationality of the child; whether the child is of an

[8] (2010) 1 SCC 174
[9] (2021) 12 SCC 289

> intelligible age and capable of making an intelligent preference; the environment and living conditions available for the holistic growth and development of the child; financial resources of either of the parents which would also be a relevant criterion, although not the sole determinative factor; and future prospects of the child."

22. It is, therefore, evident that the exercise of power under Section 12 of the GW Act is a discretionary power vested in the Court, intended to enable the making of appropriate interim arrangements concerning the custody, guardianship, or welfare of a minor. This discretion must, however, be exercised cautiously, guided at all times by the paramount consideration of the child's welfare and best interest.

23. This Court further deems it of significance to advert to the testimony of the Appellant's own mother, who, in candid terms before the learned Family Court, conceded that the Appellant had eloped with another man. It also stands revealed from the order dated 28.04.2025, already extracted hereinabove, that the said individual, Amit Bhardwaj, was himself married and father to two children from his lawful wedlock. Such an admission, emanating from the maternal authority of the Appellant, assumes considerable probative value and cannot be brushed aside lightly.

24. A perusal of the Impugned Order further reveals that a status report was placed on record by SI Sandeep Chauhan in connection with the proceedings, pursuant to a missing person complaint lodged by Ms. Pushpa, the legally wedded wife of Amit Bhardwaj. The said status report also records that Amit Bhardwaj himself had expressed apprehensions regarding threats to his life, allegedly emanating from his wife and her family members. Under the circumstances, it would be fair to assume that the perceived threat, to the said Amit

Bharadwaj, may not also percolate to the Appellant-Mother and the minor.

25. We are of the considered view that these circumstances, coupled with the fact of the Appellant's abandonment of the matrimonial home and her continued cohabitation with a person embroiled in such grave personal discord and threats to his safety, assume serious significance. Such conduct, when tested on the anvil of the 'best interest of the child' doctrine, militates against the welfare of the minor, for it demonstrates the Appellant's conscious disregard of the stability, security, and environment indispensable for the holistic development of the child.

26. Having regard to the totality of the circumstances as borne out from the record, the learned Family Court, was persuaded to hold that the custody of the minor would be best secured in the care of the Respondent-Father. Accordingly, interim custody was entrusted to the Respondent, while ensuring that the Appellant was not altogether deprived of access to the child, by conferring upon her defined visitation rights, ensuring that both parties were afforded an opportunity of engagement with the minor during the pendency of the proceedings.

CONCLUSION:

27. This Court discerns no infirmity in the reasoning or conclusions recorded in the Impugned Order warranting appellate interference.

28. We are of the considered opinion that, *albeit* the mere allegation or even proof of an adulterous liaison, cannot singularly constitute the determinative ground for grant or denial of custody of the child, yet when such conduct is viewed in conjunction with the contemporaneous acts of deliberate neglect and the conscious

abdication of maternal obligations, the cumulative effect thereof justifies the course adopted by the learned Family Court.

29. Accordingly, the Impugned Order, insofar as it directs interim custody to the Respondent-Father while conferring visitation rights upon the Appellant-Mother, appears to be well-reasoned and firmly rooted in sound judicial discretion.

30. In view of the foregoing discussion and for the reasons adverted to hereinabove, the grant of interim custody of the minor child to the Respondent-Husband by the learned Family Court, *vide* the Impugned Order dated 08.07.2025 in G.P. No. 127/2023, calls for no interference. The present appeal, being devoid of merit, stands dismissed accordingly.

31. The present appeal, along with all pending application(s), if any, stands disposed of in the above terms.

32. No order as to costs.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.

OCTOBER 08, 2025/tk/sm/kr