

Smt. Pemela

Vs

Sqn. Ldr. Deepak Dutta and Others

Criminal Miscellaneous Petition No. 2804 of 1987

(Ranganath Misra, M. M. Dutt JJ)

28.07.1987

ORDER

1. Heard learned counsel for the parties, as also grandfather, the stepfather, the mother of the children and the children.

2. We are of the view that in the interest of the children they should not immediately be removed from the company of the mother. The children have already been admitted into Bal Bharati, a defence services school at New Delhi. We have been assured by the stepfather as also the mother that full parental care and treatment as also love and affection would be bestowed on the children in the mother's home. We are impressed by the suggestion given by Mr. Soli J. Sorabjee, as also by the grandfather himself that the children should not be alienated from the mother. We have suggested and parties have more or less agreed that at intervals the children should go to their grandfather at Bombay and now that the summer vacation is over, the only other vacation which would come is the Christmas holidays. The stepfather agrees that the mother as also the two children will be taken to Bombay as soon as the school closes for winter vacation and they would be left under the care of the grandfather for a reasonable period and the children will come back near about the time when the school holidays would be over. We attempted to impress upon the parties and we found reciprocity in their assurances that each one of them would strive to make the order a practical one keeping the human attitude and consideration in view. The application is disposed of accordingly.

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