



2025 INSC 1068

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 11332 OF 2025
(ARISING FROM SLP (C) NO. 25029 OF 2025
@ Diary No(s).60690 OF 2024)

MANOJ DHANKAR

...APPELLANT

VERSUS

NEEHARIKA & ORS.

...RESPONDENT(S)

J U D G M E N T

VIKRAM NATH, J.

1. Delay condoned. Leave granted.
2. The present appeal arises from the order dated 04.10.2024 passed by the High Court of Punjab & Haryana at Chandigarh in FAO No. 2655 of 2023. The appellant is the father of the minor son, aged about 9 years. Respondent No. 1 is the mother of the child, and Respondents No. 2 and 3 are her parents.
3. The background of the case reveals a long-standing matrimonial and custody dispute between the parties.

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Reason:

- 3.1. The appellant and Respondent No. 1 were married on 26.11.2012. Their son was born on 18.01.2016.
- 3.2. In 2017, the respondent-mother left the matrimonial home. She subsequently filed a petition for divorce under Sections 13(1)(ia) and (ib) of the Hindu Marriage Act, 1955¹.
- 3.3. In 2018, the appellant initiated proceedings before the Family Court seeking custody of the minor child.
- 3.4. By order dated 19.03.2019, the Family Court partially allowed the application and permitted the appellant to meet the child twice a month, on Fridays, at the child's school.
- 3.5. The parties thereafter attempted a settlement, as the respondent-mother intended to travel to Ireland. They jointly filed for divorce by mutual consent and withdrew the earlier petitions. The first motion under Section 13-B of the HMA was recorded on 28.08.2019 along with an agreement regarding custody of the child.
- 3.6. However, the compromise fell through, and the mutual consent petition was withdrawn.

¹ For short "HMA"

- 3.7. The appellant then instituted a petition under Section 25 of the Guardians and Wards Act, 1890 seeking custody.
- 3.8. By interim order dated 03.02.2022, the Family Court granted the appellant custody every Saturday and Sunday, subject to the condition that the child would not be taken out of Rohtak, Haryana.
- 3.9. By final order dated 27.03.2023, the Family Court dismissed the petition on the ground that the appellant had violated the terms of the interim order dated 03.02.2022. The appellant challenged this decision before the High Court in FAO No. 2655 of 2023.
- 3.10. During the pendency of that appeal, the respondent-mother took the child to Ireland.
- 3.11. The appellant thereafter filed several applications in FAO No. 2655 of 2023. One was for disclosure of the child's travel itinerary, which he later withdrew. Another sought disclosure of the itinerary, arrangement of video interaction with the child, and the return of the child from Ireland to India.
- 3.12. By order dated 25.07.2023, the High Court issued notice only to the extent of disclosure of

the child's itinerary. That order was challenged before this Court, but the Special Leave Petition was dismissed. The appellant then filed an application for early hearing of his main appeal before the High Court.

3.13. By the impugned order dated 04.10.2024, the High Court dismissed the appeal. It relied on this Court's dismissal of the earlier Special Leave Petition, noted the appellant's breach of the Family Court's interim custody arrangement, and held that the child had been living with the respondent-mother since 18.08.2017 and no material was placed to show that she was incapable of caring for the child.

3.14. Aggrieved thereby, the appellant has approached this Court.

4. We have heard learned senior counsel for the appellant and learned counsel appearing for the respondents.

5. Before this Court, the appellant's senior counsel has pressed the appeal only to the extent of securing visitation rights through video-conferencing.

6. The present matter is sensitive because it concerns the future of a young child. When such disputes arise, the central question is not who is right or wrong as between the parents, but what arrangement will best serve the child. The emotional, mental, and physical well-being of the child must always come first.
7. It is also clear to us that the conduct of both parents has not been ideal. Their personal differences have grown into a long and bitter conflict. However, the Court cannot allow the child to become a casualty of this conflict. What matters most is that the child grows up in an atmosphere where he feels secure, loved, and cared for.
8. At present, the child is living with his mother in Ireland and seems to be settled there. It would not be in his interest to disturb that arrangement at this stage. The father has also limited his request before us as he is not asking for custody, but only for the chance to interact with his son regularly through video-conferencing.
9. We find this request to be both fair and necessary. Every child has a right to the affection of both parents. Even if parents live apart or in

different countries, it is important for the child to maintain a relationship with both of them. Denying such contact would deprive the child of the love, guidance, and emotional support of the father.

10. We are therefore of the view that the appellant's request for video interaction is reasonable. It balances the reality of the child's present living situation with the need to ensure that the father remains a part of the child's life.

11. We accordingly direct as follows:

- (i) The appellant shall be entitled to interact with his son through video-conferencing for two hours on every alternate Sunday from 10.00 AM to 12 noon (Ireland time).
- (ii) Both parties shall cooperate to ensure that the arrangement is carried out smoothly, in good faith, without obstruction or hostility.
- (iii) Any technical or logistical difficulties in arranging the video sessions shall be resolved mutually, keeping in mind that the interest of the child is paramount.

12. With the above directions, the appeal stands disposed of.

13. Pending applications, if any, are disposed of.

.....J.
[VIKRAM NATH]

.....J.
[SANDEEP MEHTA]

**NEW DELHI;
SEPTEMBER 02, 2025**