

RAJNISH SHARMA VS. KAMAL KUMAR

Present: Mr. T.N. Sarup, Advocate, for the appellant.

Mr. Satya Pal Jain, Additional Solicitor General of India,
with Mr. Dheeraj Jain, Senior Counsel, Government of India,
for respondent-UOI.

Ms. Divya Sharma, Advocate, Amicus Curiae.

Mr. Anuj Garg, Advocate, for the applicant-intervener,
in CM-4709-CII-2022.

Learned counsel for Union of India submits that except State of Bihar, consent of all the States have been received and procedure for putting up this matter before the Union Cabinet is in process.

A direction is given to the Union of India to expedite this process as this amendment is necessary keeping in view the large number of pending matrimonial disputes, where the children are the worst sufferers.

This Court has been examining the children, who faced agony while appearing before the Family Courts as well as before this Court. The children go through a trauma of many years at tender age of growing up. They are helpless and this Court has been appointing Ms. Garima Sharma, a Psychologist/Counsellor, as Amicus Curiae, who has given her opinion that some of the children even cannot see eye to eye and scared of meeting their separated parents, whether it is mother or father. The bitterness between the parents causes a personality disorder.

In the larger interest of the families facing matrimonial litigations, High Court has amended Family Court Rules, whereby counsellors shall be appointed to assist every Family Court in districts.

Keeping in view the above fact, amendment in the

FAO-1378-2021 (O&M)

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Guardianship And Custody Laws In India, as recommended by the Law Commission Report, 2015, requires immediate implementation.

Adjourned to 09.02.2023.

A status report on behalf of Union of India be filed on the next date of hearing.

(RITU BAHRI)
JUDGE

(MANISHA BATRA)
JUDGE

09.12.2022
ajp



सत्यमेव जयते

