2026:DHC:945

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

Reserved on: December 04, 2025
% ***Pronounced on: February 05, 2026***

\+ **CM(M) 159/2023, CM APPL. 4739/2023**

[redacted] **.....Petitioner**
Through: Dr. Swati Jindal Garg, Adv.

Versus

[redacted] **.....Respondent**
Through: Mr. Udit Gupta, Ms. Nidhi Malhotra, Advs. alongwith the respondent

CORAM:
HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T

CM APPL. 62853/2025 (*for exemption*) and **CM APPL.67411/2025** (*for exemption*)

1. Exemption allowed, subject to all just exceptions.

2. The applications are disposed of.

CM APPL. 62852/2025 (*By petitioner for additional documents*) and **CM APPL.67410/2025** (*By petitioner for additional documents*)

3. By virtue of the present applications under *Section 151* of the Code of Civil Procedure, 1908[1], the petitioner/ ***mother*** seeks to place on record certain additional documents in compliance of the orders dated 08.09.2025 and 08.10.2025.

4. For the reasons stated therein, the present applications are allowed and the additional documents filed therewith are taken on record.

[1] Hereinafter "***CPC***"

5. Accordingly, the present applications are disposed of.

CM APPL. 53497/2025

6. By virtue of the present application under *Section 151* of the CPC, the mother seeks permission to travel to the United States of America[2] along with her minor son for completion of her post-graduate program at Marymount University, Arlington, Virginia, United States.

7. *Succinctly put*, as seen from hereunder, this case has a chequered history of litigation(s) *inter se* the mother and the respondent/ ***father***, who, after getting married on 14.02.2014 were blessed with a male child 'Master K'[3] on 03.04.2017. Due to matrimonial discord between them, the mother left the matrimonial home on 05.05.2019 along with the minor child. Since then, multiple cases have been filled by them against each other before different forums. ***GP NO. 29/2019*** entitled "***Vishal Verma vs. Twinkle Vinayak***" being one of them, wherein the learned Judge Family Court-02, West District, Tis Hazari Courts, Delhi[4] has passed the order dated 13.01.2023[5] granting the husband visitation rights of the minor child from February 2023. It is that order which is impugned in the captioned petition.

8. The aforesaid order was first stayed by this Court on 01.02.2023, and then *vide* order dated 28.03.2023 granted the father unsupervised visitation on every *first*, *third* and *fourth* Sunday of the month. Additionally, the father was also granted permission to celebrate the birthday of the minor child on 02.04.2023. Despite the said orders and subsequent attempts to mediate, since the implementation of unsupervised visitation was

[2] Hereinafter "***USA***"
[3] Hereinafter "***minor child***"
[4] Hereinafter "***learned Family Court***"
[5] Hereinafter "***impugned order***"

unsuccessful, it led to filing of a contempt case being CONT. CAS(C) 207/2024 entitled '***Vishal Verma vs. Twinkle Vinayak***' before this Court.

9. Pursuant thereto, when the said contempt petition and the captioned petition were listed on 04.07.2024, this Court allowed the father to meet the minor child on three dates being 13.07.2024, 20.07.2024 and 25.07.2024 at 03:00 PM in the Delhi High Court Mediation and Conciliation Centre[6] and a report from the DHCMCC was also called for. Thereafter, the mother left the country on 26/ 27.07.2024 along with the minor child and went to USA as she secured admission in the post-graduate program "*Public Health Education and Promotion (M.S.)*" at Marymount University, Arlington, Virginia, United States, without seeking any prior permission from any Court.

10. This resulted in the father filing a Habeas Corpus petition being W.P.(Crl.) 2808/2024 entitled "***Vishal Verma vs. State of NCT of Delhi & Ors.***" wherein he sought production of the minor child who had been moved by the mother to the USA, without permission of the Court or his consent. Pursuant to an undertaking given by the mother, and passing of the order dated 08.10.2024 therein, she was directed to appear before this Court on 18.12.2024. Thence, in terms of the directions issued by this Court *vide* orders dated 29.11.2024 and 11.12.2024 passed therein, a specific direction was issued to the Foreigners Regional Registration Officer[7] and Ministry of External Affairs and Bureau of Immigration, to ensure that the mother and the minor child shall not leave the country without permission of the Court.

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[6] Hereinafter "***DHCMCC***"
[7] Hereinafter "***FRRO***"

11. Aggrieved *vide* order dated 29.11.2024, the mother preferred a Special Leave Petition, being SLP (Crl.) No. 18175/2024 entitled "***Twinkle Vinayak vs. Vishal Verma & Ors.***", before the Hon'ble Supreme Court. The Hon'ble Supreme Court while disposing the aforesaid SLP *vide* order dated 12.08.2025, allowed the child to keep visiting his father twice a month from Friday afternoon, after school, till Saturday evening up to 05:00 PM, subject to any further arrangement that may be made by the learned Family Court or by this Court as also granted liberty to the mother to seek a prayer for leaving the country before the learned Family Court or this Court.

12. Hence, the present application filed by the mother seeking permission to travel to the USA along with her minor son.

13. Dr. Swati Jindal Garg, learned counsel for the mother submitted that the mother, with the assistance of her parents, applied for admission to several foreign universities for a Master's program and successfully secured admission to the "*Public Health Education and Promotion (M.S.)*" program at Marymount University, Arlington, Virginia, United States, commencing from August, 2024. The said course, spanning *eight* (8) semesters, is to be completed over a minimum period of *thirty* (30) months, from 15.08.2024 to 15.08.2027. The mother has already completed the *first* semester of the course, spanning from July-August 2024 to December 2024, with a Cumulative GPA of 3.33 out of 4.00, thereby demonstrating her academic success and commitment to the program.

14. Dr. Garg, learned counsel then submitted that the petitioner, a young mother, has consistently strived to build a stable life for herself and her minor son and her intention/ purpose of pursuing the said program was/ is

to enhance her academic qualifications, thereby improving her long-term employment prospects and ability to provide a stable and secure future for the minor child. The learned counsel further submitted that the median salaries for graduates of the said program are significantly high, indicating the potential for robust financial stability, which will strengthen the mother's ability to provide for her child's long-term welfare and career prospects. Denying permission to the mother to continue with her studies would directly impede the realization of these future benefits for the child, thereby undermining the fundamental principle of the 'paramount welfare' of the minor in custody matters.

15. Dr. Garg, learned counsel further submitted that as per the rules and regulations of Marymount University, a student is permitted to avail a maximum of two semesters of Leave of Absence/ Continuous Registration (***LOA/ CR***) on grounds of emergency or personal reasons. The mother has already exhausted the said permissible limit by availing LOA/ CR for Spring 2025 and Fall 2025 semesters. Consequently, the mother is mandatorily required to be physically present on campus to continue the said program, failing which her admission and the entire course would stand automatically cancelled, resulting in irreparable academic prejudice and severe financial loss.

16. Dr. Garg, learned counsel submitted that the financial commitment towards the mother's higher education has been of a deeply personal nature, as the entire financial burden has been borne by her parents, who were constrained to sell their immovable properties situated in Haridwar to fund the said educational pursuit. The mother has already incurred an expenditure exceeding Rs.25 lakhs in furtherance of the said program,

including an amount of approximately ₹12-15 lakhs spent during the *first* semester alone.

17. Dr. Garg, learned counsel also submitted that it is a settled position of law that the welfare of the child is of paramount consideration in matters of custody, and where a child has been residing with one parent since inception, the child ought not to be uprooted from his or her primary emotional and physical environment, as such disruption would be contrary to the child's best interests. Relying upon ***Vivek Singh vs. Romani Singh***[8], the learned counsel submitted that the Hon'ble Supreme Court has underscored the pivotal role of the mother as the natural guardian of a minor child, particularly during the formative years. Further, a mother's presence is integral to the child's holistic growth and overall well-being as she provides a nurturing and secure environment essential for healthy development of a child. Any attempt to sever or undermine the child's bond with the mother is likely to have serious and detrimental psychological consequences for the child. Therefore, it is necessary for the minor child to accompany the mother in her travel to USA.

18. Then, relying upon ***Vikram Vir Vohra vs. Shalini Bhalla***[9] Dr. Garg, learned counsel submitted that while it is undisputed that the welfare of the child is of paramount consideration, the said principle of welfare, must be read in harmony with mother's fundamental right to personal development and autonomy in matters concerning her life choices. The mother's decision to pursue enhanced career opportunities overseas cannot be restrained solely on the basis of existing custody arrangements. Every

[8] (2017) 3 SCC 231
[9] (2010) 4 SCC 409

individual is entitled to realise and develop his or her full potential, therefore, a mother cannot be compelled to make a choice between her child and her professional advancement as the right to development and self-fulfilment is an intrinsic facet of the right to life and personal liberty as guaranteed under the Constitution of India.

19. On being queried by this Court regarding the arrangements made for the minor child's education, Dr. Garg replied that the mother undertakes to secure admission of the minor child at Glebe Elementary School, Arlington, Virginia, where the child had previously studied for a period of *six months* during the mother's earlier stay in the USA. Also, the mother's parents have volunteered to travel to the USA to assist in care and well-being of the minor child and to ensure his proper upbringing and healthy overall development.

20. Dr. Garg, learned counsel yet further submitted that although the mother, along with the minor child, travelled to the USA on 26.07.2024, however, pursuant to order dated 08.10.2024 passed by this Court in W.P. (Crl.) No.2808/2024, whereby she was directed to appear before this Hon'ble Court on 18.12.2024, the mother duly complied with the said direction. This clearly demonstrates her *bona fides* and her sincere and respectful adherence to the orders of this Court.

21. *Lastly*, Dr. Garg, learned counsel submitted that the mother is more than willing and ready to cooperate with and abide by any directions passed by this Court to ensure the continued communication between the child and the father during her travel to the USA without curtailing the visitation rights of the father in no manner.

22. In light of the aforesaid, Dr. Garg, learned counsel for the mother

sought the present application to be allowed.

23. *Per contra*, Mr. Udit Gupta, learned counsel for the father opposed the present application by submitting that it has been filed with the sole intent of misleading this Court and frustrating the visitation and interim custody arrangements already directed in favour of the father. The mother is deliberately attempting to deprive the minor child of the love, care and affection of his father and paternal family by seeking permission to relocate the child outside India.

24. Mr. Gupta, learned counsel further submitted that welfare of the child being the paramount consideration in custody matters, cannot be subordinated to the mother's personal career aspirations. Since there are ample educational and professional opportunities available within India, none of which necessitate uprooting the child from his hometown, school, or established familial environment, there is no reason for allowing the present application. Moreover, since every child has a fundamental and inalienable right to receive equal love, care and affection from both parents, any attempt to deprive the child of one parent is contrary to the settled principles of custody law and gravely detrimental to the holistic development of the child.

25. Relying upon the ratio of ***Rosy Jacob vs. Jacob A. Chakramakkal***[10] and ***Nil Ratan Kundu vs. Abhijit Kundu***[11], Mr. Gupta, learned counsel submitted that the mother is attempting to equate her personal academic ambition with the welfare of the child, which, as has been consistently held in custody matters that they must be determined solely on the touchstone of

[10] (1973) 1 SCC 840
[11] (2008) 9 SCC 413

the child's welfare and not on the convenience, career choices, or aspirations of either parent. In fact, even where one parent projects ostensibly *bona fide* reasons for relocation, the paramount consideration remains the welfare of the child, which necessarily includes regular, effective and unhindered access to both parents. As such, allowing the mother to relocate with the minor child to the USA would, in effect, extinguish the father's visitation rights and cause irreparable damage to the relationship between the father and the minor child.

26. Relying upon ***Shilpa Aggarwal vs. Aviral Mittal***[12], wherein the Hon'ble Supreme Court had expressly restrained relocation of a child abroad holding that such removal would defeat the very objective of visitation rights granted to the other parent, Mr. Gupta, learned counsel submitted that, in the present case, the minor child is well settled at Mount Carmel School, New Delhi, and derives stability from his education, social circle, and close association with his father and paternal family. Thus, any relocation abroad would uproot the child from his stable environment, disrupt his schooling, and irreparably weaken his bond with his father and extended family, thereby causing long-term psychological harm.

27. Mr. Gupta, learned counsel also submitted that permitting the child's removal from India would place him beyond the territorial jurisdiction of this Court as also the learned Family Court, rendering existing and future visitation and custody orders unenforceable and illusory. Further, reliance was placed upon the dictum in ***Arathi Bandi vs. Bandi Jagadrakshaka Rao***[13], wherein the Hon'ble Supreme Court cautioned that when multiple

[12] (2010) 1 SCC 591
[13] (2013) 15 SCC 790

matrimonial and custody proceedings are pending in India, permitting a parent to remove the child abroad would undermine Indian jurisdiction and lead to endless litigation, which is manifestly contrary to the welfare of the child.

28. Mr. Gupta, learned counsel further submitted that the mother's plea that she is required to report to Marymount University at the earliest is wholly irrelevant in custody proceedings and a parent's academic or professional commitments cannot override the welfare of the child. Further, the risk to the mother's academic pursuits or the alleged hardship, financial sacrifices, or tuition fees already incurred by the mother are wholly immaterial and cannot be invoked to deprive the father of his lawful rights as a father.

29. Highlighting the past conduct of the mother wherein the access to the minor child was denied to the father on one ground or the other as also the mother blatantly refused to follow the order(s)/ direction(s) of the Courts, Mr. Gupta, learned counsel expressed a grave apprehension that if the mother is granted permission to travel to USA, she would not return to India with the minor child. Considering it is the mother's own admitted position that her parents also intend to relocate with her, he added that the same reinforces the imminent risk of permanent removal of the child from the jurisdiction of this Court. Such a move would not only sever the child's bond with his father and paternal family, but also gravely endanger the child's welfare and best interests.

30. Mr. Gupta, learned counsel further submitted that judicial findings recorded in the impugned order clearly establish that the mother has consistently engaged in acts of *parental alienation* by poisoning the tender

mind of the child against the father, thus, prolonged separation from the father, paternal family, and familiar surroundings, would inflict lasting trauma and adversely affect the growth and emotional well-being of the minor child.

31. *Lastly*, Mr. Gupta, learned counsel submitted that granting the relief as sought by the mother would cause serious and irreversible prejudice to the father by rendering his visitation rights meaningless and by permanently impairing his bond with the minor, which the Courts so far have consistently sought to preserve and protect.

32. In view of the aforesaid submissions, Mr. Gupta, learned counsel for the father sought dismissal of the present application.

33. This Court has heard Dr. Swati Jindal Garg, learned counsel for the mother, and Mr. Udit Gupta, learned counsel for the father at considerable length, and carefully gone through the documents and pleadings on record especially the ones filed by the mother in CM APPL. 62852/2025 and CM APPL.67410/2025 as also the judgments cited by them at the Bar.

34. In a nutshell, it is a case where a mother who has secured admission to a post-graduate degree in a recognised foreign university with the *bona fide* objective of augmenting her academic qualifications as also enhancing her professional competence, long-term employability, and economic independence, and even though she is willing to take the responsibility of the minor child, however, since there are various litigations pending *inter se* her and the father of the minor child, there is a severe resistance/ opposition from him.

35. This Court is, thus, to decide the weightage that can be accorded to the said post-graduate degree under such circumstances, more so, since it is

reasonably expected to significantly improve not only her future earning capacity, thereby enabling her to provide sustained financial stability, security and overall well-being but also of the minor child as well. Also, such a decision is grounded not only in the mother's fundamental right to personal growth and development, but also keeping in mind the best interests of the minor child.

36. Plainly speaking, the present application has to be tested on the dual considerations of '*welfare of the minor child being paramount*' and '*mother's fundamental right to personal development and autonomy in making life choices*'.

37. The right to life and personal liberty as enshrined under *Article 21* of the Constitution of India, as underscored in ***Maneka Gandhi vs. Union of India***[14], necessarily incapsulates the right to personal development, self-realisation, and the freedom to make meaningful life choices. Education, particularly higher education, is one of the most vital means through which an individual aims to broaden intellectual horizons, improve professional skills, and build a secure future. Thus, a decision to pursue a post-graduate degree, especially from a foreign University, is a conscious exercise undertaken by an individual aimed towards individual growth, dignity and the ability to attract better future career prospects. Denial or unreasonable restriction on exercise of such a choice, in the considered opinion of this Court, would tantamount to an impermissible intrusion into the very spirit of the right to personal liberty and development enshrined and protected under *Article 21* of the Constitution. No doubt, there are options galore within India, however, practically a course from a foreign University has its

[14] (1978) 1 SCC 248

own prominence, relevance, value and charm.

38. A mother being a 'mother' carries equal, if not greater, force where the individual asserting such a right is a mother. Constitutional protection does not diminish on account of the parental status of a party, in fact, it is now settled law that fundamental rights are not to be construed in a manner leading to stereotyping or that which confines an individual to the traditional roles imposed by the society. The fact that a mother is the primary caregiver and responsible for the upbringing of a child cannot be a ground to compel her to surrender her right to education, personal growth, and/ or self-advancement. On the contrary, enabling a mother to pursue higher education strengthens her dignity, economic independence, and overall well-being, elements that lie at the core of the Right to Life under *Article 21* of the Constitution and, in turn, equips her to provide a more secure, stable, and nurturing environment for the child.

39. There can be no dispute that the welfare of the minor child is undoubtedly the paramount consideration, however, the same has to be taken cumulatively and harmoniously with various relevant factors and applicable surroundings involved. The same is, thus, not to be taken in isolation. In this case, it has to be taken together with the mother's fundamental right to personal development, dignity, and autonomy in making life choices. The mother's decision to pursue higher education abroad is a *bona fide* and reasoned life choice, which cannot be restricted solely on the basis of existing custody arrangements, particularly, in the absence of any tangible or demonstrated harm to the child's welfare. More so, whence the same is not hampering the health and/ or education of the minor child, and is, in fact, giving him better prospects and exposure at

such a tender age. In the present case, the mother has already successfully completed *one* out of the *eight* semesters of the said programme, and that too by securing a commendable cumulative GPA of 3.33 out of 4.00, as has also incurred a significant amount of expenditure *qua* the same on her own, without any contribution from the father, are such other relevant factors which this Court cannot ignore.

40. Every individual, like the mother herein, is entitled to realise his or her full potential, and a mother cannot be compelled to make an invidious choice between her child and her career. This Court cannot overlook that the right to personal development is an integral facet of the right to life and personal liberty under *Article 21* of the Constitution, and, therefore, any interpretation of 'custody principles' must be interpreted in a manner that not only respects and upholds this constitutional guarantee but also is in sync thereof. The academic performance of the mother herein clearly reflects her sincerity, discipline, and genuine commitment towards the course she has undertaken. It further demonstrates her capacity to balance academic responsibilities with her role as the primary caregiver to the minor child. More so, since there is nothing to show and/ or it is not the contention of the father that the mother has failed in discharging her duties as a dutiful mother. Consequently, it is hard to say that the mother has approached this Court by way of this application in a cavalier manner.

41. Since the nature and quality of care, protection, and affection required during the formative years cannot be assessed in rigid or abstract terms, and there is nothing untoward and/ or harmful which the mother is asking for by seeking permission to study abroad with the minor child, bearing in mind that it directly implicates the emotional, psychological, and

developmental needs of the minor child, and whence the mother is taking care of the minor child both financially, physically and emotionally, for the time being, there is no impasse to allow the present application and permit the mother to take the minor child with her during the course of her study. It is for this reason that orders relating to custody are, by their very character, interlocutory in nature. Such orders do not attain finality and remain amenable to variation, modification, or re-structuring, as and when circumstances so demand, with the paramount consideration always being the welfare of the child.

42. Therefore, allowing the minor child to accompany the mother herein, particularly, taking note of the fact that he has all throughout stayed solely with the mother ever since she left the matrimonial home on 05.05.2019, in the considered opinion of this Court, is appropriate under the existing facts and circumstances. More so, separating the minor child from his mother can prove fatal for his welfare. Thus, since there is no alteration to that effect required at this stage, it would be in the interest of the minor child to travel with the mother to the USA.

43. This Court finds that the Hon'ble Supreme Court, while dealing with the somewhat similar circumstances of a mother wanting to take her child to Australia where she was getting a better job opportunity, in ***Vikram Vir Vohra (supra)*** acceding to her request, held as under:-

> *"18. ... ...Now coming to the question of the child being taken to Australia and the consequent variations in the visitation rights of the father, this Court finds that the respondent mother is getting a better job opportunity in Australia. Her autonomy on her personhood cannot be curtailed by the Court on the ground of a prior order of custody of the child. Every person has a right to develop his or*

her potential. In fact a right to development is a basic human right. The respondent mother cannot be asked to choose between her child and her career. It is clear that the child is very dear to her and she will spare no pains to ensure that the child gets proper education and training in order to develop his faculties and ultimately to become a good citizen. If the custody of the child is denied to her, she may not be able to pursue her career in Australia and that may not be conducive either to the development of her career or to the future prospects of the child. Separating the child from his mother will be disastrous to both.

19. Insofar as the father is concerned, he is already established in India and he is also financially solvent. His visitation rights have been ensured in the impugned orders of the High Court. His rights have been varied but have not been totally ignored. The appellant father, for all these years, lived without the child and got used to it.20. In the application dated 9-5-2008 filed before the Additional District Judge, Delhi, the mother made it clear in Para 12 that she is ready to furnish any undertaking or bond in order to ensure her return to India and to make available to the father, his visitation rights subject to the education of the child… …"

44. Reliance in this regard is also placed upon the aforesaid principle, as applied by a Co-ordinate Bench of the High Court of Bombay in ***Anuradha Sharma vs. Anuj Sharma***[15], wherein also permission was granted to the mother to relocate to Poland along with the minor child for a period of two years, taking into consideration the enhanced career opportunities available to the mother.

45. With regard to the concern of the father that the minor child is well settled at Mount Carmel School, New Delhi, and that relocation abroad is likely to disrupt his stable environment, this Court finds the apprehension

[15] 2022 SCC OnLine Bom 1489

unconvincing in the present circumstances as it is neither unusual nor unprecedented for children to accompany their parents, if any of them choose to pursue their respective professional or educational opportunities abroad and/ or for any other reasons. Moreover, it is also relevant that the mother herein has herself undertaken to secure admission for the minor child in the same School where he previously attended during the previous visit, ensuring continuity in his education and routine. Further, the fact that there is nothing on record to suggest that the minor child faced any difficulties during the previous visit abroad, coupled with the fact that the minor child is quite young, is likely to adapt well to the new environment, which may in fact can offer him valuable and enriching experiences. Accordingly, the concern of the father that the child would feel displaced or unsettled lacks any substantial basis.

46. In fact, the apprehension expressed by the father that if the mother is permitted to travel to the USA may not return to India with the minor child, in the considered opinion of this Court, is without merit, particularly, in view of her earlier conduct wherein she had herself undertaken to return to India and indeed adhered to the same. The same strongly weighs in favour of the mother. Therefore, the concern of the father that the mother might act otherwise cannot be sustained, and in fact, would be unjust to penalize her for speculative apprehensions.

47. In light of the aforesaid, this Court is of the considered view that denying the mother to travel to the USA for completion of her post-graduate program would be undermining the principles of right to development and personal liberty as enshrined and guaranteed to her under *Article 21* of the Constitution of India.

48. Accordingly, this Court is called upon to suitably modify the subsisting interim arrangement governing the visitation rights of the father, as recorded by the Hon'ble Supreme Court *vide* order dated 12.08.2025, whereby the child shall keep visiting the father twice a month from Friday afternoon, after school, till Saturday evening up to 05:00 PM, subject to any further arrangement that may be made by the learned Family Court or by this Court. Resultantly, the mother is directed to file a detailed Affidavit of Undertaking within a period of *one week* as per below:-

a) That the mother shall furnish the complete details of her residential address in the USA and shall not relocate to another city and/ or country. However, in case of doing so, she shall apprise the Court as also inform the father of the minor child *one week* prior to such relocation;

b) That the mother shall also furnish the communication details of the School to the father of the minor child in USA for keeping him aware of the progress and activities of the minor child;

c) That the father would be at liberty to engage with the minor child on a suitable video conferencing platform for a total time period of 30 minutes on every Saturday and Sunday, as also for 10-15 minutes on Wednesday of each week, beyond School hours;

d) That the mother will ensure the presence of the minor child in Delhi for a period of *two months* during the minor child's summer vacation and for a period of at least *ten days* during the minor child's winter vacation with prior intimation to the father. On each occasion she shall share all details with the father of the minor child and ensure their physical meeting(s) with each other on two working

days in a week after mutually deciding the date, time and venue for a period of *four hours* on each occasion, in addition to giving an overnight visitation of the minor child on weekends from Saturday 10:00 AM to Sunday 05:00 PM to his father.; and

e) That the mother will return to India along with the minor child upon completion of her said post-graduate degree without taking up any new/ fresh admission to any other new course/ program of any nature and/ or new/ fresh job.

49. Additionally, since it is the case of the mother that her father (grandfather of the minor child) is funding the entire educational, accommodation and any other ancillary expenses of the mother and the minor child, let her also file a Chartered Accountant Certificate disclosing her father's Income Tax Returns for last three financial years and any other relevant documents along with her aforesaid Affidavit of Undertaking.

50. Further, the mother shall also file a detailed chart of the projected expenses along with the aforesaid affidavit that she may incur during completion of the said post-graduate degree including but not limited to the educational, accommodation and any other ancillary expenses.

51. Accordingly, in terms of the aforesaid, the petitioner/ mother is permitted to travel to the USA along with the minor child for completion of her post-graduate program at Marymount University, Arlington, Virginia, United States.

52. Considering that a specific direction was issued to the FRRO and Ministry of External Affairs and Bureau of Immigration by this Court *vide* order dated 11.12.2024 passed in W.P.(Crl.) 2808/2024, to ensure that the mother and the minor child shall not leave the country without permission

of the Court, subject to the mother filing an affidavit in terms of the aforesaid, let the present order be communicated to the FRRO and Ministry of External Affairs and Bureau of Immigration in order to ensure that the mother and the minor child are able to travel to the USA without any hindrances from the said Departments.

53. Needless to say, any modification/ alteration of the visitation rights of the father as entailed hereinabove may be considered after return of the mother to India, after completion of her post-graduate degree, upon moving an application by either side before the Court.

54. Accordingly, the present application is disposed of.

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55. Accordingly, list before the learned Joint Registrar on 13.02.2026 for verification of the contents of the affidavit of undertaking in view of the conditions/ directions entailed in *paragraphs 48 to 50* hereinabove.

56. In view of the aforesaid, since nothing survives in the present petition, the present petition along with pending application(s) is disposed of.

SAURABH BANERJEE, J.

FEBRUARY 05, 2025
Ab/DA