

**HIGH COURT OF DELHI : NEW DELHI**

Sher Shah Road, New Delhi

1263-1274  
No. \_\_\_\_\_/D-2/Gaz.-IA/DHC/2025

Dated: 10/3/2025.

From:

The Registrar General,  
High Court of Delhi,  
New Delhi- 110003.

To,

1. The Principal District & Sessions Judge (Headquarters), Tis Hazari Courts, Delhi.
2. The Principal District & Sessions Judge, New Delhi District, Patiala House Courts, New Delhi.
3. The Principal District & Sessions Judge, South-West District, Dwarka Courts, New Delhi.
4. The Principal District & Sessions Judge, West District, Tis Hazari Courts, Delhi.
5. The Principal District & Sessions Judge, East District, Karkardooma Courts, Delhi.
6. The Principal District & Sessions Judge, South District, Saket Courts, New Delhi.
7. The Principal District & Sessions Judge, Shahdara District, Karkardooma Courts, Delhi.
8. The Principal District & Sessions Judge, North-West District, Rohini Courts, New Delhi.
9. The Principal District & Sessions Judge-cum-special Judge (PC Act) (CBI), Rouse Avenue Courts Complex, New Delhi.
10. The Principal District & Sessions Judge, South-East District, Saket Courts, New Delhi.
11. The Principal District & Sessions Judge, North District, Rohini Courts, New Delhi
12. The Principal District & Sessions Judge, North-East District, Karkardooma Courts, Delhi.

**Sub: Guidelines governing Court interaction with children in guardianship and custody matters.**

Sir/Madam,

I am directed to say that Hon'ble Building, Maintenance, Construction and matters relating to the working of Family Courts Committee of this Court while considering the CM(M) No. 3388/2024 titled "Sumit Mehta vs. Divya Garg" as representation on administrative side in terms of the order dated 22.10.2024 passed by a Single Bench of this Court has framed requisite guidelines to be followed uniformly for guidance in the matters governing Court interaction with minor children in guardianship and custody matters (**Copy Enclosed**). I am further directed to forward herewith the said guidelines for circulation amongst the courts adjudicating cases concerning child custody, access and guardianship in Delhi. It has further been directed that these guidelines in no manner dilute the discretionary powers of the Courts to hold an interaction with the child; but the guidelines are intended to aid and supplement the discretion vested in the Courts in such matters.

Encl: As above

i) The hd. Ps. Judge, Family Courts  
ii) hd OTC Genl. Pss. 2 for circulation  
iii) OTC Computer Pss for uploading on website  
iv) .  
Yours sincerely,  
(Dileep Namrani)  
Assistant Registrar (Gaz-IA)  
For Registrar General  
12-03-2025  
Ps. D/S S. Law  
12/03/25

## **GUIDELINES GOVERNING COURT INTERACTION WITH CHILDREN IN GUARDIANSHIP AND CUSTODY MATTERS**

The Hon'ble Building Maintenance, Construction and matters relating to the working of Family Courts Committee of the Delhi High Court makes the following Guidelines Governing Court Interaction with Children in Guardianship and Custody Matters:

1. Orders directing the presence of a child in Court for the purpose of interaction ought not to be passed in a mechanical manner. There ought to be a definite purpose for requiring the presence of a child for interaction, which should be briefly recorded in the order of the Court.
2. The Judge may assess the child's age, well-being, nature of dispute, relationship between the parents and the child, and any similar relevant matter, before directing the presence of the child.
3. The Judge ought to ensure that interactions are conducted only to address the best interests and welfare of the child. The competing rights or rival claims of the parents should not affect such interactions.
4. The Judge shall fix the date and time for such interaction with the child after considering the school timings and other relevant aspects of the schedule. The Judge would be free to fix a specific time for such interaction, preferably after school hours.
5. The Judge must ensure that interaction with the child is not held in open Court.
6. Court interaction with the child should be held either in the Judge's Chamber or in a child-friendly environment/children's room so that the atmosphere is comfortable and congenial for the child.
7. To the extent possible, the Judge may keep the interaction informal and to make the child comfortable during such interaction. The Judge must attempt to interact with the child with due sensitivity.
8. The child should be assured that though his/her views will be duly taken into consideration, those views will not be held against the child by either of the parents since the decision would be the responsibility of the Judge and that no harm should come to the child because of what the child expresses to the Judge in the course of the interaction. The court must help the child to speak freely and openly, without guilt of having spoken in favour of any one parent.
9. During the course of such interaction, the Judge must not directly ask the child to choose the parent with whom he/she would like to reside. The Judge must endeavor to

get a proper perspective of the mental state of the child and assess the child's genuine preferences, so as to be able to address the welfare of the child.

10. The brief summary of the interaction should be personally recorded by the Judge and retained in a sealed cover; and be made part of the judicial record for assessment, by the Appellate Court, if found necessary. Such record should not be made accessible to the parties unless the Court deems fit or the Appellate Court so directs. The Judge may inform the parties of the gist of the interaction if any order is to be passed on the basis of the interaction.
11. In cases where there appears to be parental alienation, the Judge may endeavor to ascertain the reason for such negative emotions, and whether these originate from the child himself/herself based on his/her lived experience, or whether these originate from the influence of the other parent. The Judge may also consider calling the assistance of a Child Psychologist to safeguard the best interests of the child.
12. In cases of interaction with siblings, the Judge may choose to meet the children, individually and together with the parents, to assess the relevant aspects of the matter.
13. The Court in its discretion may permit advocates and parties during such interaction, if found necessary.
14. The Judge would always bear in mind that each child is unique, and every family dynamic is different; and eventually a Judge's discretion and the paramount interest of the child would be the guiding factor in determining the appropriate course when interacting with a child.

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