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

Date of decision: 12.08.2026

CNR No. DLHC010790012025

+ CM(M) 2010/2025 & CM APPL. 53178/2026 (Direction, for violation and non-compliance of order dt. 29.05.2026)

SHRI NARAYAN @SURENDERPetitioner

Through: Mr. Jai Bansal, Ms. Rakshita
Saxena and Ms. Namrata
Kathuria, Advocates.

versus

JYOTIRespondent

Through: Mr. Harsh Sharma, Advocate.

CORAM:

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

% **JUDGEMENT (Oral)**

1. The present Petition has been filed under Article 227 of the **Constitution of India, 1950¹** challenging the **Interlocutory Order dated 13.08.2025²** passed by **learned Judge, Family Court-01, West District, Tis Hazari Courts, Delhi³**, in Application being MISC. DJ. 26 of 2024, filed by the Petitioner/Husband, under Section 12 of the Guardians and Wards Act, 1890, seeking temporary custody of the minor child, namely "R", filed in Guardianship Petition bearing No. 54 of 2022.

2. *Vide* the Impugned Order, the learned Family Court has granted the Petitioner liberty to interact with the minor child through video-

¹ Constitution

² Impugned Order

³ learned Family Court



conferencing on the first and third Sunday of every month, from 11:00 AM to 11:30 AM.

3. Learned counsel appearing on behalf of the Petitioner submits that the entire grievance of the Petitioner is confined to the duration of interaction permitted by the learned Family Court and that the present Petition has essentially been filed seeking enhancement of the period of interaction with the minor child.

4. This Court has heard learned counsel appearing on behalf of the Petitioner and, with his able assistance, perused the Impugned Order.

5. Before advertng to the merits of the present Petition, it would be apposite to briefly delineate the scope and ambit of the jurisdiction exercised by this Court under Article 227 of the Constitution.

6. The contours of the aforesaid jurisdiction are well settled. The power of superintendence is to be exercised sparingly and with a high degree of judicial discipline, and interference is warranted only where the order of the Court below suffers from a patent jurisdictional error, perversity, manifest illegality or results in a gross failure of justice. In ***Shalini Shyam Shetty v. Rajendra Shankar Patil***⁴, the Supreme Court has held that the power under Article 227 is to be exercised sparingly and only in appropriate cases where interference is necessary to keep the subordinate Courts within the bounds of their authority. The relevant observations of the Hon'ble Supreme Court read as under:

“

(c) High Courts cannot, at the drop of a hat, in exercise of its power of superintendence under Article 227 of the Constitution, interfere with the orders of tribunals or courts inferior to it. Nor can it, in exercise of this power, act as a court of appeal over the orders of the court or tribunal subordinate to it. In cases where an alternative statutory mode of redressal has been provided, that would also operate as a restraint on the exercise of this power by the High

⁴ (2010) 8 SCC 329



Court.

(d) The parameters of interference by High Courts in exercise of their power of superintendence have been repeatedly laid down by this Court. In this regard the High Court must be guided by the principles laid down by the Constitution Bench of this Court in **Waryam Singh**⁵ and the principles in **Waryam Singh** (Supra) have been repeatedly followed by subsequent Constitution Benches and various other decisions of this Court.

(e) According to the ratio in **Waryam Singh** (Supra), followed in subsequent cases, the High Court in exercise of its jurisdiction of superintendence can interfere in order only to keep the tribunals and courts subordinate to it, “within the bounds of their authority”.

(f) In order to ensure that law is followed by such tribunals and courts by exercising jurisdiction which is vested in them and by not declining to exercise the jurisdiction which is vested in them.

(g) Apart from the situations pointed in (e) and (f), High Court can interfere in exercise of its power of superintendence when there has been a patent perversity in the orders of the tribunals and courts subordinate to it or where there has been a gross and manifest failure of justice or the basic principles of natural justice have been flouted.

(h) In exercise of its power of superintendence High Court cannot interfere to correct mere errors of law or fact or just because another view than the one taken by the tribunals or courts subordinate to it, is a possible view. In other words the jurisdiction has to be very sparingly exercised.

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7. In **Garment Craft v. Prakash Chand Goel**⁶, the Supreme Court reiterated that Article 227 does not permit the High Court to act as a court of first appeal and reappreciate/reweigh evidence. The relevant observations of the Hon’ble Supreme Court read as under:

“15. Having heard the counsel for the parties, we are clearly of the view that the impugned order [**Prakash Chand Goel v. Garment Craft**, 2019 SCC OnLine Del 11943] is contrary to law and cannot be sustained for several reasons, but primarily for deviation from the limited jurisdiction exercised by the High Court under Article 227 of the Constitution of India. The High Court exercising supervisory jurisdiction does not act as a court of first appeal to reappreciate, reweigh the evidence or facts upon which the determination under challenge is based. Supervisory jurisdiction is not to correct every error of fact or even a legal flaw when the final

⁵ AIR 1954 SC 215

⁶ (2022) 4 SCC 181



finding is justified or can be supported. The High Court is not to substitute its own decision on facts and conclusion, for that of the inferior court or tribunal. [*Celina Coelho Pereira v. Ulhas Mahabaleshwar Kholkar*, (2010) 1 SCC 217 : (2010) 1 SCC (Civ) 69] The jurisdiction exercised is in the nature of correctional jurisdiction to set right grave dereliction of duty or flagrant abuse, violation of fundamental principles of law or justice. The power under Article 227 is exercised sparingly in appropriate cases, like when there is no evidence at all to justify, or the finding is so perverse that no reasonable person can possibly come to such a conclusion that the court or tribunal has come to. It is axiomatic that such discretionary relief must be exercised to ensure there is no miscarriage of justice.

16. Explaining the scope of jurisdiction under Article 227, this Court in *Estralla Rubber v. Dass Estate (P) Ltd.*⁷ has observed : (SCC pp. 101-102, para 6)

“6. The scope and ambit of exercise of power and jurisdiction by a High Court under Article 227 of the Constitution of India is examined and explained in a number of decisions of this Court. The exercise of power under this article involves a duty on the High Court to keep inferior courts and tribunals within the bounds of their authority and to see that they do the duty expected or required of them in a legal manner. The High Court is not vested with any unlimited prerogative to correct all kinds of hardship or wrong decisions made within the limits of the jurisdiction of the subordinate courts or tribunals. Exercise of this power and interfering with the orders of the courts or tribunals is restricted to cases of serious dereliction of duty and flagrant violation of fundamental principles of law or justice, where if the High Court does not interfere, a grave injustice remains uncorrected. It is also well settled that the High Court while acting under this Article cannot exercise its power as an appellate court or substitute its own judgment in place of that of the subordinate court to correct an error, which is not apparent on the face of the record. The High Court can set aside or ignore the findings of facts of an inferior court or tribunal, if there is no evidence at all to justify or the finding is so perverse, that no reasonable person can possibly come to such a conclusion, which the court or tribunal has come to.”

8. Keeping in view the aforesaid well-settled parameters governing the exercise of jurisdiction under Article 227 of the

⁷ (2001) 8 SCC 97



Constitution, this Court shall now proceed to examine the present Petition.

9. At the outset, this Court finds that the Impugned Order is purely interlocutory in nature. The learned Family Court has consciously used the expression “*at this stage*”, thereby making it clear that the arrangement for limited interaction was being considered on the basis of the circumstances and material available before it at that particular stage of the proceedings. The Court also notes that almost a year has passed since the passage of the Impugned Order. The order, therefore, does not purport to constitute a final determination of the Petitioner's rights in respect of the interaction with the minor child.

10. It is trite that the jurisdiction exercised by this Court under Article 227 of the Constitution is one of superintendence and is neither intended to be exercised as an appellate jurisdiction nor to enable this Court to substitute its own assessment for that of the Court below merely because another view may be possible. The supervisory jurisdiction is to be exercised sparingly and only where the order under challenge discloses a patent jurisdictional error, manifest illegality, perversity, or such other infirmity as would warrant correction in exercise of the constitutional power of superintendence.

11. Tested on the aforesaid parameters, this Court finds no infirmity whatsoever in the Impugned Order warranting interference in exercise of jurisdiction under Article 227 of the Constitution. The learned Family Court has exercised its jurisdiction and, having regard to the material before it, has deemed it appropriate, “*at this stage*”, to permit interaction between the Petitioner and the minor child for the period specified in the Impugned Order. The Petitioner has not been able to point out any jurisdictional error, perversity or manifest illegality in



the said determination. The sole grievance that the period of interaction permitted is inadequate cannot, in the considered opinion of this Court, furnish a ground for invoking the limited supervisory jurisdiction of this Court.

12. This Court is, therefore, of the view that no ground whatsoever is made out for interference with the Impugned Order. The Prayer, as sought for in the present Petition, is accordingly liable to be rejected.

13. Accordingly, the present Petition, along with pending application(s), if any, stands dismissed.

14. It is, however, made clear that this Court has expressed no opinion on the merits of the proceedings pending before the learned Family Court. The Petitioner shall remain at liberty to avail of such remedies and take such appropriate steps as may be permissible in law for seeking enhancement of the period of interaction with the minor child, before the learned Family Court.

15. The present Petition, along with pending application(s), if any, stands disposed of in the above terms.

HARISH VAIDYANATHAN SHANKAR, J.
AUGUST 12, 2026/tk/ma