

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Civil Revision No.3688 of 2014 (O&M)

Date of decision: 28.08.2015

Kamaljit Kaur

.... Petitioner

versus

Baldev

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Ms. Navdeep, Advocate,
for the petitioner.

Mr. Rajiv Joshi, Advocate,
for the respondent.

K.Kannan, J. (Oral)

1. This is a revision against an order granting visitation rights to the father in a petition seeking for custody of the child. The resistance by the mother is on account of the fact that the child has grown without knowing the father and when she has married yet another person after divorce, the father is making prayer for custody only to cause a trauma to the mother and the child. Even though the court has directed the child to be produced in court, the counsel for the respondent states that it was never complied with.

2. The parties are present in court and I tried to explain the role of the father in a child's life and that the mother must allow for the father to visit the child now and then in order that the child

understands the worth of a father. The wife states that he (father) had not cared for the child at any time and had not given money even for education or for raiment.

3. The counsel would refer me to the observations of the Supreme Court in **ABC Versus the State (NCT of Delhi) in Civil Appeal No.5003 of 2015, dated 06.01.2015** that a child is not a chattel or a ball to be shuttled or shunted from one parent to the other. The observations of the Supreme Court were in the context that the trial courts will not take up issues of procedure to absurd limit which can harm the child emotionally.

4. I have allowed a free vent to the parties to express themselves and to allay the apprehension of the mother that the father was only using the demand for custody to traumatize and create a problem in a newly established marriage relation with her with another man. I direct the father of the child to pay ₹2,500/- as maintenance and the first payment shall be made within first five days of the next succeeding month i.e. September, 2015. This payment shall continue till the conclusion of the proceedings before the trial court and subject to such modifications as the situation might warrant. The mother shall allow for the visits of the father on every Saturday. If there is any inconvenience or any visit of guests or festivals on such Saturday that makes it difficult to comply, they may mutually modify to any other day which is convenient in a

week in such a way that the father has at least 4 full days every month for holding temporary custody. The mother has apprehensions of harm and I have explained to the father that he will treat the child with utmost love and affection. I do not interfere with the right of visitation as an interim measure provided by the court below but modify it to suit the convenience of parties so that the visit on the date when the child has to go to school will create a problem for him and spoil his education.

5. I appeal to the respective counsel to play a positive role and prepare the minds of the respective parents for a smooth transition for the child, before the litigation works itself out. In matters relating to custody, the litigative effort is a complete travesty of justice. It is the resourcefulness of the parties with help through counsel that can bring the necessary comfort. I would, therefore, exhort the parties and the counsel to recognize the need for a child to understand the value of both the parents and allow for occasions for a child to know the father whom he has not known all these years. A beginning has to be made some time and I believe that this order will herald that change.

6. Revision petition is disposed of with the above modification.

(K.KANNAN)
JUDGE

28.08.2015
sanjeev