

CR No.4207 of 2014 (O&M)

[1]

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

**CR No.4207 of 2014 (O&M)
Date of decision:12.01.2015**

Pawan Kumar

...Petitioner

Versus

Amarjeet Kaur

...Respondent

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Ranjit Saini, Advocate,
for the petitioner.

Mr. Amit Kohar, Advocate,
for the respondent.

Rakesh Kumar Jain, J.

The petitioner has basically relied upon an alleged compromise between the parties and argued in the following manner on 02.07.2014:-

“The husband has come to this Court in this revision against the order of interim custody of the daughters having been given by the trial Court to the wife/respondent.

Counsel for the petitioner has submitted that the respondent has deserted the husband and at that time, the two compromises were effected between the parties inasmuch as in the second compromise, the respondent handed over the custody of both the daughters to the petitioner/husband, who has got them admitted in a good school. The trial Court has passed the order only on the ground that both the daughters are minors and are below

the age of five years, therefore, custody has to go with the mother. It is submitted that the trial Court has not looked into the compromise between the parties on the basis of which the respondent had waived her right to retain the custody of both the daughters.”

Thereafter, both the parties had appeared with their advocates and the respondent has challenged the compromise on the ground that the petitioner did not abide by its terms and conditions.

Counsel for the petitioner, while referring to the photographs appended with the petition, has submitted that the compromise had in fact been effected but at the same time the respondent has submitted that the photographs were though taken but the payment in terms of the compromise was not made and hence, the compromise had failed.

Be that as it may, the question to be decided by this Court in this revision petition is regarding the custody of the minor child which is now sought to be obtained by the petitioner on the ground that there was a compromise between the parties but since I am not satisfied with the compromise, therefore, there is hardly any reason to interfere in the impugned order as the minor is less than 5 years of age and as per Section 6(a) of the Hindu Minority and Guardianship Act, 1956, the mother of the minor child is the natural guardian.

Accordingly, the present revision petition is hereby dismissed being denuded of any merit.