

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

**C.R. No.5959 of 2016
Date of Decision.18.10.2016**

Vikas NandaPetitioner

Vs

Ashu NandaRespondent

Present: Mr. Ashok Bhardwaj, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

The present revision petition is arising out of the application moved by the husband for granting permission to have the visitation rights to meet the child. It is a matter of record that on the basis of compromise arrived at, the petition filed under Section 13B of the Hindu Marriage Act, 1955 has been disposed of vide order dated 31.05.2014 and as per the compromise, the custody of the minor child aged 8 years has been given to the wife and application moved by the father on 24.03.2015 for meeting rights with the minor son has been dismissed, hence revision petition.

Mr. Jagdish Rai, Advocate and Mr. Neeraj, Advocate have put in appearance on behalf of the respondent-wife.

In pursuance of the direction of this Court, both the parties with minor child are present in Court.

This Court had called upon the minor child at dais and asked him about his name, school name, games/avocation he is into. After building some confidence, I asked him whether his father is present in Court or can he identify the father who is present in Court and the answer was in

negative. To a specific question whether he has father, the answer was that

he does not have any father.

Once the minor child, who is 8 years old, does not want to be with his father, the application is nothing but an attempt to re-agitate the matrimonial discord between the couple who have already parted ways. During the course of the hearing, the husband without instructions from his counsel stood up and refuted certain observations made by this Court in a vociferous tone. This act of the husband is not appreciated and is deplorable.

I am of the view that the application of the petitioner was not maintainable as he has given custody of the child to the wife and kept no stake. If at all, he was/is aggrieved, the remedy lied elsewhere and not in the manner and mode as has been done. The revision petition is dismissed with costs of ₹10,000/- to be paid to the wife.

(AMIT RAWAL)
JUDGE

October 18, 2016
Pankaj*

Whether reasoned/speaking Yes

Whether reportable Yes