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

CRWP No.1568 of 2016

Date of decision: December 19, 2016

Navnimrat Kaur

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Harpreet Multani, Advocate for the petitioner.

Mr. K.S. Sidhu, AAG Punjab.

Mr. Karambir Singh, Advocate for respondents No.5 and 6.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

This Court had made an order dated 14.12.2016 about the custody of the child. In the afternoon on the same day, Mr. J.S. Bedi, Senior Advocate for the petitioner appeared and urged this Court to hear him before signing the order as he was not present despite pass-over. Accordingly, the matter was adjourned for 15.12.2016 and thereafter, for today, i.e. 19.12.2016.

Today, Mr. Harpreet Mulatani, Advocate appears for the petitioner and submits that the child being breast-feeding child should not be allowed to be in the custody of the husband for 48 hours as the child would be put to loss of love, care and food as well.

Per contra, learned counsel for the respondent-husband submits that the child being 10 months old as per the report of World

Health Organisation, it is not necessary to have the breast-feeding for the child.

Upon hearing the learned counsel for the rival parties again, in my opinion, considering the fact that a period of one year is ideal period for the child to have breast-feeding, in the instant case, the child is admittedly 10 months old, in that view of the matter, looking to the fact that the husband and the wife are at dispute, the husband and his parents cannot be prevented from having the custody of the child for some time. The breast-feeding of the child for 10 months is good enough and no further breast-feeding as such, in the ordinary circumstances, is required. In view of the fact that the child will be in the custody of the husband only for 48 hours, there is no reason to assume any complete loss of breast-feeding. In that view of the matter, I think the observations and order dated 14.12.2016 made by this Court, is in accordance with the medical standards regarding breast-feeding of the child and the period for which the same should be done.

In the result, the order dated 14.12.2016 shall continue to operate, subject to the adjudication by competent Court.

Disposed of, accordingly.

(A.B. CHAUDHARI)
JUDGE

December 19, 2016

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No