

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Civil Revision No.3700 of 2017

Date of decision: May 22, 2017

Manisha Sharma

...Petitioner

Versus

Aashish Sharma

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Sandeep K. Sharma, Advocate for the petitioner.

Rajan Gupta, J.

Present revision petition is directed against the order dated 11.04.2017, passed by District Judge, Family Court, Rohtak, whereby application filed by the petitioner for giving appropriate direction to the respondent to hand over custody of minor child to her, has been dismissed.

Learned counsel has assailed the order. According to him, the court below has erroneously dismissed the application filed by the petitioner. He submits that respondent has failed to give proper love and affection to the minor child as of natural mother. Thus, the order deserves to be set-aside.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

It appears petitioner and respondent were married on 21.04.2008 according to Hindu rites and ceremonies. A female child namely, Ishita was born out of the wedlock on 04.02.2009. Marriage of the parties did not prove successful. A petition under Section 13-B of the

Act was filed before District Judge, Rohtak and marriage was dissolved by a decree of divorce by mutual consent on 20.03.2014. At that time, it was agreed between the parties that custody of the minor child would remain with the respondent-husband. However, later on, petitioner-wife filed an application under section 25 of the Guardian and Wards Act read with Section 7 of the said Act and Section 7 of Hindu Minority and Guardianship Act for handing over custody of minor child to her. An application for grant of temporary custody of the minor child was also filed by the petitioner. Vide order dated 07.01.2015, the trial court permitted the petitioner to meet the child for an hour in the school premises on every Monday. Thereafter, on 22.02.2017, petitioner filed instant application for issuing direction to the respondent to provide custody of minor child to her, which has been dismissed by the court below. I find no infirmity with the orders passed by the court below. Custody of the minor child was handed over to the respondent-husband with the consent of the petitioner. Moreover, petitioner has already been permitted to meet the child once a week. There is no merit in the revision petition. Dismissed. Trial court would, however, endeavour to decide the main petition expeditiously. It shall take into consideration all the facts and circumstances and decide in accordance with law.

(RAJAN GUPTA)
JUDGE

May 22, 2017
'Rajpal'

Whether speaking / reasoned	Yes / No
Whether Reportable:	Yes / No