

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 4601 of 2017
Date of Decision: 17.07.2017

Anish Khosla

...Petitioner

Vs.

Ruchi Khosla

...Respondent

CORAM:-HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. N.S. Shekhawat, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J. (Oral)

This petition has been filed in a custody matter involving a male child aged seven born to the parties. The petitioner/husband has filed the petition under Section 7 and 25 of the Guardian and Wards Act read with Section 6 of the Hindu Minority and Guardianship Act before the Family Court at Gurugram, Haryana. The proceedings were initiated in April, 2017. The present petition has been filed seeking directions for expeditious disposal of the application. The last date of hearing was 06 May, 2017 when the case has been adjourned to August 22, 2017. It is not disputed that parties are already in litigation in a divorce case, petition under Section 125 Cr.P.C and in FIR under Sections 498-A, 406 etc.

A petition under Article 227 of the Constitution of India would ordinarily not lie against an order adjourning a case but Mr. Shekhawat submits that the adjournment is a long one in the backdrop of the petition pending before the Family Court in which interim prayers have been made for visitation rights claimed by the father. Though interference in the matter is not warranted but since it is the matter of child custody, it is normally expected that the Family Court would make an earnest endeavor to dispose

of the proceedings as soon as practicable and in the meanwhile, address itself to pending interim application/s in which there is always a need to act swiftly keeping uppermost in mind the interest of the child. Decision on interim application/s and the main case is within the domain of the Family Court exercising jurisdiction over subject matter by paying sensitive attention to the needs of a child custody matter for its judicious resolution which goes by the light house of the interest of the child. Where that interest lies will be for the parties to assert and for the Court being closest to facts to act within its empowerment by adjusting dates to achieve the purposes of the Acts.

Accordingly, the petition is disposed of with above observations even though interference is not called for to shorten the date fixed for next hearing since it is fast approaching.

(RAJIV NARAIN RAINA)
JUDGE

17.07.2017
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<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>