

CR No. 5925 of 2017(O&M)

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

**CR No. 5925 of 2017(O&M)
Date of Decision: 4.9.2017**

Geeta and another

.....Petitioners

Vs.

Satyawan

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. S.M. Tripathi, Advocate
for the petitioners.

RAMESHWAR SINGH MALIK J. (ORAL)

Feeling aggrieved against the order dated 17.8.2017 (Annexure P-2) passed by the learned family court, whereby conditional order was passed against Smt. Shakuntla-petitioner No.2 to handover custody of the minor children to Satyawan-respondent, failing which she will be liable to civil imprisonment, petitioners have approached this Court by way of present revision petition under Article 227 of the Constitution of India, for setting aside the impugned order.

Heard learned counsel for the petitioners.

It is a matter of record that respondent-Satyawan filed petition under Section 25 of the Guardians and Wards Act, 1980, for custody of the

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children. Said petition filed by the respondent was allowed by the learned court of competent jurisdiction vide its order dated 16.11.2013 (Annexure P-1). This order has not been set aside by any court of law so far. It was this order dated 16.11.2013 which was being sought to be executed by the respondent. In the execution petition, learned executing court passed the impugned order dated 17.8.2017 (Annexure P-2).

It has gone undisputed before this Court that children are in the custody of Smt. Shakuntla-petitioner No.2. It is also a matter of record that order dated 16.11.2013 (Annexure P-1) is still in operation. A bare perusal of both the orders passed by learned courts below would make it crystal clear that petitioners are trying to play smart. They do not want to hand over the custody of children to the decree-holder/respondent. This was the reason that the learned executing court was left with no other option except to pass the impugned conditional order for civil imprisonment for petitioner No.2 in case she fails to hand over custody of the children to the decree holder-respondent. Having said that, this Court feels no hesitation to conclude that the learned court below was well within its jurisdiction to pass the impugned order and the same deserves to be upheld.

During the course of hearing., learned counsel for the petitioners could not point out any patent illegality or perversity in the impugned order, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. In fact, the impugned order has been found duly supported by sound reasons and the same deserves to be upheld, for this reason also.

No other argument was raised.

Considering the peculiar facts and circumstances of the case

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noted above, coupled with the reasons aforementioned, this Court is of the considered view that present revision petition is misconceived, bereft of merit and without any substance. Thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, instant revision petition stands dismissed, however, with no order as to costs.

4.9.2017
Ak Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned Yes/No
Whether reportable: Yes/No