

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.8702 of 2015 (O&M)

Date of decision: 21.02.2017

Shalini

... Petitioner

Vs.

Gurmukh Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. R.K. Rana, Advocate
for the petitioner.

Mr. Sanjay Jain, Advocate
for the respondent.

RAMESHWAR SINGH MALIK, J. (ORAL)

Present revision petition is directed against the order dated 16.04.2015 passed by the learned family Court, whereby nothing was observed about the visiting rights of the petitioner, she being the mother.

Notice of motion was issued.

Heard learned counsel for the parties.

A bare perusal of para 3 of the application (Annexure P-1) moved on behalf of the petitioner would make it crystal clear that she sought the visiting rights to meet her minor sons (twins) who are pursuing their study in the school. However, a close perusal of the impugned order passed by the learned family Court would show that this aspect of the matter was altogether ignored, while declining the request of the petitioner for interim custody of the minor children.

Learned counsel for the petitioner has restricted his prayer only to the limited extent of visiting rights of the petitioner. He submits that let the

impugned order be upheld, but visiting rights may be granted to the petitioner.

Faced with the above, learned counsel for the respondent-husband fairly states that the learned family Court did not advert to the contentions raised on behalf of the petitioner in para 3 of her application (Annexure P-1).

Having heard the learned counsel for the parties at some length, after careful perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that learned family Court committed a serious error of law, while not dealing with the prayer made by the petitioner regarding her visiting rights, while passing the impugned order.

In view of what has been discussed hereinabove, the impugned order is upheld. However, it is ordered that the petitioner-wife shall have visiting rights to meet her twin sons. The learned family Court shall fix the time schedule between the parties, so as to enable the petitioner to exercise her visiting rights.

Parties are directed to appear before the learned family Court on 21.03.2017. Learned family Court shall pass the appropriate order, fixing the schedule for visiting the children by the petitioner, as amicably settled between the parties.

With the abovesaid observations made and directions issued, present revision petition stands disposed of.

[RAMESHWAR SINGH MALIK]
JUDGE

21.02.2017
vishnu

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No