

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

F.A.O. No.3339 of 2016 (O&M)
Date of Decision: 27.11.2017

Gobind Rai
..... Appellant

Versus

Prem Lata
..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Rishav Jain, Advocate for the appellant.

JASWANT SINGH, J. (ORAL)

The appellant is the husband and the respondent is the wife, who are separated but not divorced. The application of the wife, under Section 25 of the Guardian and Wards Act for seeking the custody of two minor children, was allowed, vide an *ex parte* order dated 06.01.2012 (**Annexure P-1**), passed by learned Guardian Judge, Gurdaspur, as the husband had failed to put in appearance. Subsequently, the husband filed an application under Order 9 Rule 13 CPC for setting aside the *ex parte* Guardianship order dated 06.01.2012 (**P-1**), which, after framing of issues and leading of evidence, has been dismissed vide impugned order dated 15.10.2015.

This Court, vide order dated 18.11.2016, issued notice of motion only qua referring the parties for mediation keeping in view the interest of the minor children, after the appellant had failed to convince the Court on merits.

As per the report of the Mediation & Conciliation Centre of this Court, the mediation has failed.

At the time of hearing, learned Counsel for the appellant, on instructions, prays for permission to withdraw the present appeal to seek his alternative remedy for seeking visitation rights in accordance with law.

Dismissed as withdrawn with the aforesaid liberty.

Since the main petition stands dismissed as withdrawn, the pending applications, if any, shall also stand disposed of.

November 27, 2017
Gagan

(JASWANT SINGH)
JUDGE

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