

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

**FAO-1672-2017
Decided on: 18.08.2017**

Dinesh **.... Appellant**

Versus

Sonam **..... Respondent**

**CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

Present: Mr. Gaurav Khera, Advocate,
for the appellant .

Mr. Rakesh Gupta, Advocate,
for the respondent.

M.M.S. BEDI, J (ORAL)

Vide impugned order dated 03.02.2017, petition under Section 7 of the Guardian and Wards Act, 1890 for custody of the minor son, filed by the appellant has been dismissed by the District Judge Family Court, Rohtak. However, taking into consideration, the welfare of the minor child, he has been granted right to meet the child on last Sunday of every month from 12.00 noon to 2.00 p.m. at Mansarover Park, Rohtak or any other place with mutual consent of both the parties.

The present appeal has been filed by the appellant under Section 19 of the Guardian and Wards Act, 1890, merely seeking the enhancement of the opportunities to meet the minor child by permitting him to meet the child on more occasions.

During course of arguments, counsel for the respondent has submitted that the authority given to the appellant is being misused by him as the appellant has become aggressive and assaulted the respondent-wife during course of proceedings.

Further, counsel for respondent submits that the respondent-mother of the child has no objection in case for the welfare of the child, one more opportunity every month is granted to the appellant-husband to meet the child.

In view of the said statement made by counsel for the respondent, we uphold the judgment of the Guardian Judge dated 03.02.2017, with the following modification:-

“The appellant will be allowed to meet the minor child on 2nd and 4th Sunday of every month from 12.00 noon to 2.00 p.m. at Mansarover Park, Rohtak or any other place with mutual consent of both the parties.”

A condition is, however, imposed upon the appellant that in case of any aggression or misbehaviour on the part of the appellant, it will be open to the respondent-wife to move the Guardian Judge for withdrawal of the order passed by the Guardian Judge or by this Court.

The appeal stands disposed of with the above modification in the impugned order.

(M.M.S. BEDI)
JUDGE

(AUGUSTINE GEORGE MASIH)
JUDGE

18.08.2017
Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No