

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

CR No.308 of 2018 (O&M)

Date of decision : January 18, 2018

Bhupinder Singh

..... Petitioner

Versus

Barinder Singh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Parampreet Singh Paul, Advocate for the petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Heard.

Petitioner, who is the maternal grandfather of minor Raj Karan Singh, is aggrieved by the order dated 30.10.2017 (Annexure P-2) passed by the learned Guardian Judge, Ludhiana, vide which in an application filed by him for custody of the minor against the father and grand parents of the minor, the trial court in place of granting interim custody to him, allowed him to meet the minor for one hour in the Mediation and Conciliation Centre at Ludhiana, subject to certain conditions. The petitioner is not satisfied with the said order and states that the interim custody should be handed over to him as the father of the minor is in custody in a case registered under Section 304-B IPC and that minor is not safe with the grand parents.

I am of the view that even if the father of the minor is in custody, his constructive custody through his own parents continues. It cannot be said from its face that the grandparents will not be able to properly look after the minor. Therefore, at this stage, there is no ground to

interfere in the discretion exercised by learned Guardian Judge, Ludhiana, which is based on the sound reasoning. The petitioner has been granted visiting rights. After some meetings, if the petitioner feels that the visiting time frequency is less, he can always move an application before the learned Guardian Judge, Ludhiana for extending the duration or intervals of such meetings.

As such, the present petition is dismissed.

(KULDIP SINGH)
JUDGE

January 18, 2018

sarita

Whether speaking / reasoned Yes

Whether Reportable: No