

AT CHANDIGARH

**CM-26107-CII-2018 in /and
Civil Revision No. 4147 of 2018(O&M)
Date of decision : 18.12.2018**

Preeti **Petitioner**
versus

Vinay Kumar Respondent

CORAM : HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Ankur Lal, Advocate for the petitioner.

Mr.Sumeet Goel, Advocate for the respondent.

AMOL RATTAN SINGH, J. (ORAL)

Having heard learned counsel for the parties over various dates, first it is to be noticed that the petition ordered to be heard along with this application, i.e. CR No.4347 of 2018, has been dismissed today, in which the respondent herein (father of the children and husband of the petitioner in this petition), has impugned the same order, to the extent that the learned trial Court has held that despite the children living with the father (respondent herein) at Delhi, that Court would still have jurisdiction to entertain the petition at Faridabad, in the light of the judgments of this Court cited on that issue.

Coming to the question that arises in the present petition, as to whether the impugned order is correct or erroneous to the extent that it does not give interim custody of the children to the petitioner (i.e. the mother), during the pendency of the petition filed under Sections 7 to 9 of the Guardian and Wards Act, 1890, but gives her visiting rights on the third

Saturday of every month in the Mediation and Conciliation Centre at the District Courts at Faridabad (between 2.00 p.m. to 4.00 p.m).

In the circumstances of the case, nothing having been shown to this Court that the petitioner, i.e. the mother, is not able to look after the children, or that any untoward incident took place on the date that this Court had directed that the children be allowed to stay with the mother overnight at her house in Faridabad, it is directed that during the winter vacation the children would be kept for half the vacation at the house of the mother in Faridabd and the remaining half with the father at Delhi.

Thereafter, during the pendency of the petition before the learned Family Court, the mother shall be at liberty to take the children on every alternate Saturday to her house at Faridabad, and in case she feels the necessity, she would approach the Deputy Commissioner of Police concerned in Faridabad, as also the SHO of the Police Station that has jurisdiction in the area where she is residing, who would ensure that a lady Head Constable or Constable be assigned to accompany her to the house of the respondent at Delhi, and by taking the help of the local police station as has jurisdiction in that area in Delhi, ensures that custody of the children is handed over to the petitioner and is returned on the following by 5.00 p.m., to the respondent

The petition is disposed of accordingly.

(AMOL RATTAN SINGH)
JUDGE

18.12.2018
sunita

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No