

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

**CR No.420 of 2018
Date of decision:22.01.2018**

Meenal Dubey

... Petitioner

Vs.

Gaurav Soni

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Vipul Dharmani, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

The present petition has been preferred by the petitioner-wife against the impugned order dated 20.12.2017 (Annexure P-1).

Learned counsel appearing on behalf of the petitioner submitted that both husband and wife are at loggerhead. The divorce petition filed at the instance of wife is pending adjudication. The petition under Section 25 of Guardians and Wards Act, 1890 (in short '1890 Act') was filed by the petitioner and the respondent-father also filed a petition under Sections 7 and 10 of 1890 Act. Both aforementioned petitions were clubbed together. In the aforesaid proceedings, while disposing of the interim application, vide order dated 10.11.2016, the Court below had granted the visiting rights to the respondent and his parents on first and third Sundays of each month for 2 ½ hours, i.e., from 11:30 A.M. to 2.00 P.M. Thereafter, the respondent filed another application for enhancement of visitation granted to him which

was modified, vide order dated 27.02.2017. Third application was also moved for enhancement of the timing, wherein, following condition No.(v) was passed:-

“(v) The mother will allow the interaction of the minor with the father over Skype or Whatsapp etc one in two days between 3.00 PM and 5.00 P.M.”

The petitioner is aggrieved of the part of conditions No.(iii) and (v) where the wife has been ordered to be withdrawn from the scene and collect the minor at 2.30 P.M from the given place.

He further submitted that condition no.(v) is practically impossible. The petitioner is also aggrieved with regard to withdrawing from the scene owing the orientation of the father.

I have heard learned counsel for the petitioner-wife, appraised the paper book and of the view that condition no.(v) does not give liberty to the respondent-husband to meet the child once in two days for two hours but it is only once in two days between 3.00 P.M and 5.00 P.M, i.e., the time given for the convenience of the wife keeping in view the mental status of the child.

It is not a final order as the Court had kept the matter in abeyance with regard to granting of opportunity to the father to attend Parents Teacher Meeting (PTM). It is unfortunate, both husband and wife are at loggerhead where the child is unnecessarily being grinded. In many cases, the child is deprived from meeting his/her parents. I am of the view that such condition is not onerous but innocuous.

In view of the aforementioned, I do not find any illegality and perversity in the order under challenge, much less, the same cannot be said to have been passed without jurisdiction.

Accordingly, the revision petition stands dismissed.

(AMIT RAWAL)
JUDGE

January 22, 2018
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No