

212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No. 953 of 2015(O&M)
Date of decision : 23.03.2018

Balpreet Kaur

..... Petitioner

versus

Maninderjit Singh

..... Respondent

CORAM : HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr.Nimanyu Gautam, Advocate for the petitioner.

Mr.Gourav Bhayya, Advocate for the respondent.

AMIT RAWAL, J. (Oral)

Petitioner wife is against the order dated 6.10.2014 whereby the ad interim application moved by the father/husband of the petitioner for visiting/meeting rights to the minor child as per convenience had been allowed.

Mr.Nimanyu Gautam, learned counsel appearing on behalf of the petitioner-wife submitted that the husband had filed a petition under Sections 7, 25, 26 of The Guardian and Wards Act, 1890 read with Sections 6 and 13 of the Hindu Minority and Guardianship Act, 1956 for bringing the minor child namely Aravneet Singh either in the Court or at other place.

During the pendency of the aforementioned petition, ad interim application was moved wherein request was made to allow the father to meet the minor

child. However, the trial Court exceeded its jurisdiction in permitting the minor child to meet all the family members of the husband as per the schedule prescribed therein which is beyond the scope of the provisions of the CPC that the Court cannot grant the relief beyond the one sought for. The order could not have been confined to the family members; therefore, the same is not sustainable in the eyes of law. He further submitted that application was mala fide even the parents of the husband had disowned him and the daughter-in-law, therefore, family members could not be permitted to meet the grandchild along with the father of the child.

Per contra, Mr.Gourav Bhayyia, learned counsel appearing on behalf of the respondent-husband submitted that the order under challenge is perfectly legal. The child cannot be prevented from meeting the grand parents even if the respondent-husband is disowned by his parents. No harm to the petitioner-wife would be caused and urged this Court for dismissal of the petition.

I have heard learned counsel for the parties and appraised the paper book and am of the view that there is no force and merit in the aforementioned petition. The petition is of the year 2015. The same is pending adjudication. It is the interim arrangement as ordered by the trial Court which allows the respondent and his family members to meet his child. It is also clear that the mediation proceedings among the parties have already failed but the fact of the matter is that the order granting meeting/visitation rights to all the family members but not confining to the father is not erroneous as the Court cannot grant the relief under Order 7 rule 7 of the CPC. The order under challenge cannot be said to be suffering from any illegality or perversity and the same is not fallacious.

Revision is dismissed.

(AMIT RAWAL)
JUDGE

23.03.2018
sunita

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