

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

FAO No. 2904 of 2020 (O&M)
Date of Decision: 11.12.2020

Saurabh Gulati

.... Appellant

Versus

Manisha Arora

... Respondent

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH**

Present: Mr. P.S.Jammu, Advocate
for the appellant.

JASWANT SINGH, J. (ORAL)

*[The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court]*

The appellant-father has filed the instant appeal assailing the order dated 25.09.2020 passed by Family Court, Jhajjar whereby in the application moved by the respondent-mother for custody of the minor female child namely Gaurangna (less than 5 years in age), it has been directed that the custody of the said child be handed over to the mother by the appellant-father in proceedings under the Guardianship Act. The appellant-father has been granted visitation rights.

The relevant para of the judgment is reproduced as under:-

“In view of the above discussion, the petition is hereby allowed. As a result, the respondent is directed to hand over the custody of the child along with her all belonging as well as her medical and educational documents to the petitioner at the earliest. To meet the ends of justice and to avoid further litigation, Section 10(3) of Family Court Act, 1984 is considered which says that “nothing in Sub Section (1) or Sub Section (2) shall prevent a Family Court from laying down its own procedure with a view to arrive at a settlement in respect of the subject matter of the suit or proceedings or at the truth of the facts alleged by the one party and denied by the other.”

So, on the humanitarian ground and in the interest of justice, to avoid multiplicity of litigation on the subject in hand, the visitation rights of the child Gaurangna is given to the respondent being the Father of the child. The petitioner is directed to allow the physical access for visitation without fail during day time once in every week for 2 hours at a place for their common convenience. Memo of cost be prepared accordingly. File be consigned to the record room after due compliance.”

Upon notice of the instant appeal, Mr. Simranjeet Singh Sarwara, Advocate has appeared for the respondent-mother and he states that in the execution proceedings initiated by the respondent, an amicable arrangement has been arrived at, whereby both the parties have now started residing together along with the minor child. The proceedings for recording of the statements of the parties to the said effect are listed before the Executing Court on 17.12.2020. He thus, submits that nothing more survives for adjudication in the instant appeal.

In response, learned counsel for the appellant concedes that the parties and the minor child are residing together and in fact, are present at this stage in the office of the learned counsel, as also viewed by us.

In view of the aforesaid, we dispose of the present appeal as not pressed at this stage.

(JASWANT SINGH)
JUDGE

(SANT PARKASH)
JUDGE

11.12.2020
Maninder

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No