

**CRM-30514-2020 in/and
CRR No. 1267 of 2020
Date of Decision: 17.12.2020**

Baljeet Singh

.....Petitioner

Vs.

Harvinder Kaur

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. N.K. Verma, Advocate,
for the applicant-petitioner.

Mr. Simranjeet Singh Sarwala, Advocate,
for the respondent.

AMOL RATTAN SINGH, J. (ORAL)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

On 24.11.2020, the following order had been passed:-

“All the cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

Learned counsel for the petitioner submits that despite the fact that the matter had been adjourned to 07.01.2021 vide an order passed on October 22, 2020, thereafter on an application filed by respondent no.1 herein seeking to meet her children, the matter was taken up on 26.10.2020 by the learned JMIC, Rajpura, with a direction issued that the petitioner (respondent in that case) should appear on that date itself before the trial court with his children, and upon the petitioner not having been found at home and allegedly having refused to in fact come to court, the matter was adjourned to

27.10.2020, with non-bailable warrants ordered to be issued to secure his presence.

On that date too, with the report qua the warrants stating that his house was found to be locked, fresh warrants have been ordered to be issued, returnable on 07.01.2021.

However, learned counsel submits that the police is raiding the petitioners' house on a daily basis.

Notice of motion be issued to the respondents, returnable on 17.12.2020.

Dasti process also.

[While effecting dasti service, naturally all measures as are to be taken during this pandemic, shall be taken, including wearing of masks and distancing].

In the meanwhile, the petitioner be not arrested, till the next date of hearing before this court only and specifically.

He would place on record the last three orders passed in a petition instituted under the provisions of the Guardians and Wards Act, 1890.

It is made clear that any request for an adjournment made on behalf of counsel for the petitioner on the coming date would entail 'automatic' vacation of the interim order, with no further order required to be passed in that regard."

Today, CRM-30514-2020 has been filed seeking to place on record the orders passed by the learned Additional Principal Judge, Family Court, Rajpura, on 20.01.2020, 23.03.2020, 09.07.2020, 03.09.2020 and 30.10.2020 (with the orders impugned in this petition having been passed on 26.10.2020 and 27.10.2020).

Notice in the application.

Mr. Simranjeet Singh Sarwala, Advocate, appears and accepts notice on behalf of the respondent and does not oppose the application, which is consequently, allowed and the aforesaid orders, being a matter of court record, are taken on record in the present petition.

The dispute before the family court being one under the provisions of the Protection of Women from Domestic Violence Act, 2005, one of the issues is with regard to the respondent-mother herein being allowed to meet her children, who are stated to be with the petitioner.

The children are stated to be in the age group of 12 to 14 years.

Consequently, the petitioner would bring the children to the family court at Patiala on 22.12.2020, i.e. the coming Tuesday, at 11:00 a.m., where the mother would be allowed to meet them till 01:00 p.m., with the children thereafter to be allowed to meet their mother at intervals as considered appropriate by that court.

Naturally, as regards the petition already pending before that court, it would continue thereafter as per the procedure of that court.

This petition is disposed of with the aforesaid directions, with it also made clear that if the petitioner does not bring the children to the family court on 22.12.2020 at 11:00 a.m., the orders impugned in this petition, directing the arrest of the petitioner, shall become operative; but subject to him bringing the children on 22.12.2020, the impugned orders shall stand set aside as regards the arrest of the petitioner.

December 17, 2020
nitin

Whether speaking/reasoned
Whether Reportable

(AMOL RATTAN SINGH)
JUDGE
Yes
No.