

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(117)

CRWP No. 7879 of 2021

Date of Decision : 19.08.2021

Om Varat

...Petitioner

Versus

The State of Haryana and others

...Respondents

(through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Shiv Kumar, Advocate for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.
(keeping in view advance copy given)

Harsimran Singh Sethi J. (Oral)

Learned counsel for the petitioner argues that the petitioner was married with respondent No. 5 and keeping in view the temperament of both the parties, they could not live together and ultimately, their marriage was dissolved by a petition filed under Section 13-B of the Hindu Marriage Act. Learned counsel for the petitioner submits that as per the agreement between the parties at the time of dissolving of the marriage, the children were to remain in the custody of the petitioner but for the last one and half year, the custody of the children is with respondent No. 5.

On being asked as to whether, petitioner has approached any authorities raising the said grievance, learned counsel for the petitioner submits that petitioner has already filed a representation dated 18.03.2020 (Annexure P-5) to respondent No. 2. Learned counsel for the petitioner further submits that another representation has also been given to

respondent No. 2 on 29.05.2020 (Annexure P-6), which is still pending consideration with the said authority.

Learned counsel for the petitioner submits that as no action was being taken by the authorities, petitioner filed another application/representation dated 05.02.2021 (Annexure P-8) to respondent No. 2, which is also pending consideration with the said authority and no outcome of the same has been informed to the petitioner so far.

Notice of motion.

Mr. Gaurav Bansal, learned Assistant Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State. Learned State counsel raises no objection in deciding the representation dated 05.02.2021 (Annexure P-8) in a time bound manner by passing an appropriate speaking order.

In view of the request made, without expressing any opinion on the merits of the case or the claim being made by the petitioner, respondent No. 2 is directed to decide the representation dated 05.02.2021 (Annexure P-8) by passing a speaking order within a period of eight weeks from the receipt of copy of this order.

It is expected that if need be, respondent No. 5 i.e. ex-wife of the petitioner in whose custody the children are, be also associated.

Present petition stands disposed of.

August 19, 2021
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No