

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-2729-2020

Date of Decision: 01.01.2021

Sumit Lohan

....Petitioner

Versus

Rekha

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Brijender Kaushik, Advocate,
for the petitioner.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The learned counsel for the petitioner after arguing for some time has submitted that the decision with regard to the custody of the minor children was decided by the learned Family Court, Melbourne, Australia, and the respondent was also given rights to have the custody of the minor children three times in a year. Thereafter, the respondent had filed a Civil Suit for declaration to the effect that the judgment passed by the learned Family Court, Melbourne, Australia, is legal and binding on the parties and in the aforesaid Civil Suit, an application under Order 39 Rules 1 and 2 was filed, in which it was directed that the respondent shall be entitled for six weeks interim custody of the children. Against the aforesaid order passed by the learned Family Court, Panchkula, the petitioner had filed Civil Revision No.2584 of 2020, in which although notice of motion has been issued but no interim order has been passed. Thereafter, an application under Order 39 Rule 2-A CPC was filed in which the District Child Protection Officer,

Panchkula, has been directed to ensure the execution of order which was passed under Order 39 Rules 1 and 2 and the petitioner has challenged these proceedings under Order 39 Rule 2-A in the present petition.

On being confronted as to how the present petition would be maintainable in view of the fact that the orders passed by the learned Family Court, Melbourne, Australia, have not been set aside by any Court as of today and the orders passed by the learned Family Court, Panchkula, under Order 39 Rules 1 and 2 have also not been set aside nor is there any interim order in that regard, the learned counsel for the petitioner has prayed for withdrawal of the present petition in order to enable him to pursue his other remedies in accordance with law.

The prayer made by the learned counsel for the petitioner is accepted and the present petition is dismissed as withdrawn.

(JASGURPREET SINGH PURI)
JUDGE

01.01.2021
adhikari

Whether speaking/non-speaking	:	Yes/No
Whether reportable	:	Yes/No