

FAO-999 of 2019

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

FAO-999 of 2019
Date of Decision: 30.03.2022

Rajiv Kumar

...Appellant

Versus

Preeti Rani

....Respondent

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present:- Mr. Deepak Aggarwal, Advocate,
for the appellant.

RITU BAHRI, J. (ORAL)

Appellant has filed this appeal against the judgment dated 12.10.2018 passed by Additional Civil Judge (Senior Division) Bathinda, whereby petition filed by the respondent under Section 25 of the Guardians and Wards Act for custody of minor sons, namely, Sherry Bansal and Anmol Bansal, has been allowed.

After hearing learned counsel for the appellant at length, we do not find any merit in this appeal.

In para 7 of the impugned judgment it has been observed that earlier marriage of the respondent-wife was dissolved vide judgment dated 27.07.2011 (Ex.PX) and the custody of the child, namely, Sherry Bansal, was given to the respondent. In the present case also the custody of the child, namely, Anmol Bansal is with the respondent as it was stated

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by the respondent that appellant is a drug-addict; he is facing trial in six cases under the Narcotic Drugs Psychotropic Substances Act and remained behind bars in those cases from time to time. Further, the age of the child was below five years, therefore, as per Section 6 of the Hindu Minority and Guardianship Act, 1956 and the judgment of the Hon'ble Supreme Court in *Roxann Sharma v. Arun Sharma, 2015 AIR (SCW) 2925* custody of the minor child has rightly been given to the respondent. Moreover, no offer has been made by the appellant to secure the future of the minor child.

Dismissed.

(Ritu Bahri)
Judge

(Ashok Kumar Verma)
Judge

March 30, 2022
R.S.

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No