

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

CR 646 of 2022 (O&M)

Date of Decision: April 25, 2022

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| 1. | Neeharika and others | ...Petitioner |
| | Versus | |
| | Manoj Dhankar | ... Respondent |

CR 647 of 2022 (O&M)

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| 2. | Neeharika | ...Petitioner |
| | Versus | |
| | Manoj Dhankar | ...Respondent |

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. B.S. Rana, Sr. Advocate with
Mr. Nayandeep Rana, Advocate
for the petitioner.

Mr. Pankaj Gupta, Advocate
for the respondent.

FATEH DEEP SINGH, J. (Oral)

As the above detailed two revision petitions both by
the petitioner wife Neeharika are directed against her husband
respondent Manoj Dhankar, *inter alia*, challenging one and the

same order dated 03.02.2022 (Annexure P-3) passed by the Court of learned Principal Judge, Family Court, Rohtak, wherein in the first petition, i.e. CR 646 of 2022, the wife has sought modification of the order regarding visitation rights and in the second petition, i.e. CR 647 of 2022 permission to take the minor child Laviansh Dhankar abroad, thus, having arisen from the same very proceedings having effect upon both the petitions are thus being taken up simultaneously and being disposed off through this common judgment.

Heard Mr. B.S. Rana, Sr. Advocate assisted by Mr. Nayandeep Rana, Advocate for the petitioner and Mr. Pankaj Gupta, Advocate for the respondent and perused the records.

Undisputedly, marriage between Neeharika and Manoj Dhankar took place on 26.11.2012 and out of which a child named Laviansh Dhankar was born to the couple on 18.01.2016 who as on date is aged around 06 years.

During the course of matrimony the couple entered into dispute leading to filing of divorce petition besides other legal recourses out of which the most hotly debated one is claim over the right of either of the spouse over the custody of the minor child.

On behalf of the petitioner, the reliance has sought to be placed on Mrs. Ritika Sharan Vs. Sujoy Ghosh 2020(4) R.C.R. (Civil) 894, Vikram Vir Vohra Vs. Shalini Bhalla 2010(1) HLR 521, Bijay K. Prasad Vs. Ranjana 1999(9) SCC 544, Surender Vs. Sushma 2016 AIR (Punjab and Haryana) 199, Gayatri Bajaj Vs. Jiten Bhalla 2012 AIR (Supreme Court) 541 and Mausami Moitra Ganguli Vs. Jayant Ganguli 2008(5) ALL MR 948 and on behalf of the respondent side reliance has been placed on Kumar V. Jahgirdar Vs. Chetana K. Ramatheertha 2001(5) SRJ 342, Vivek Singh Vs. Romani Singh 2017(3) SCC 231, Gaurav Nagpal Vs. Sumedha Nagpal 2009(1) SCC 42, Ram Murti Chopra Vs. Nagesh

Tyagi 2008 SCC online Del 1095, Smt. Rama @ Ram Kala Vs. Anil Kumar Joshi 1999 SCC online P&H 1229 and Prateek Gupta Vs. Shipli Gupta and others 2018 (2) SCC 309.

Custody of a child including rights of visitation of one of parents over a period time has come to be of much debate. The Court has to strike a balance over matters of custody of a child who is minor and the paramount consideration is psychological, social and physical development of the child where one cannot loss sight of the fact that participation of both the parents is very much essential for overall developments of the child. It is often seen because of their own personal differences the spouses tend to abusing the mind of the child against each other so as to win over the child and which is nothing but a egoistic approach for personal consideration then having adverse impact on for over all development of the child.

It is not displaced that during the course of

arguments that the child is in the care and custody of matrimonial grand parents and living far away from the mother and the father in Rohtak.

Admittedly, the mother is working in Ireland carry on with her own avocation while the father is stationed in India. The mother claims to be well settled in life working in Ireland and claims that husband is semi literate not of adequate economic status and claims that it would have repercussions on the future of the child and in her main petition before the lower Court has sought to denounce the husband by raking up the plea of preposterous proposition of likely good education the child might be given while in foreign country. Since the battle for the custody of the minor child is still going on being hotly effected before a Court at Rohtak so it would not be appropriate for this Court to pass any order over the custody of the child and leave it to the jurisdiction and domain of the trial Court which would be adjudicating on this aspect of the matter after the parties lead

their evidence.

The second issue is over the visitation rights of the husband. As is there before this Court that the wife is living in Ireland and the husband is living in Rohtak and the poor child is compelled to live with his maternal grand parents at Rohtak are matters which certainly is quite distressing. In the impugned findings regarding the visitation rights of the father, the Court below has rightly observed that the main objective is to ensure the welfare of the child and in the process keeping in mind the welfare of the minor child to be of utmost consideration and has rightly dismissed the prayer of the wife to take away the child during the pendency of the custody petition.

The plea of visitation rights has been well considered at length by the Court below and after having made great efforts during the course of proceedings has correctly appreciated the position of the child and the parents and has come to a justifiable conclusion and the custody orders have

come about as to the manner of access and visitation rights of the father and mother to the child.

This Court does not find any illegality and perversity in these orders under assail and are upheld and there being no merit in both the petitions which stands disposed off upholding the impugned orders.

April 25, 2022	(FATEH DEEP SINGH)
amit rana	JUDGE
Whether reasoned/speaking	: Yes/No
Whether reportable	: Yes/No