

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No. 3512 of 2022 (O&M)
Date of Decision:16.08.2022

Neelam

.....Appellant

Versus

Ravinder

..... Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Surender Saini, Advocate
for the appellant.

LISA GILL, J(Oral).

Prayer in this appeal is for setting aside order dated 18.07.2022, passed by the learned Principal Judge, Family Court, Sonapat, whereby application for interim custody of the child to the respondent has been declined, but respondent has been afforded visitation rights to the extent that minor child has been directed to be produced in Court on every first and third Saturday of the month and respondent-husband would be afforded an opportunity to interact with the minor child from 2.00 p.m. to 4.00.p.m on the said day. It is further directed that in case, first or third Saturday of any month happens to be a holiday or in case, Court is on leave on any first or third Saturday, the file shall be put up on the next working day on which the minor child shall be produced and respondent herein would be afforded an opportunity to interact with the child. Interaction of the respondent with the minor child has also been directed through video call for at-least 30 minutes

on every second and fourth Saturday of the month at any time convenient to the parties.

Aggrieved of the interaction being afforded to the respondent with the minor child, this appeal has been filed by the appellant-mother and wife of the respondent.

It is vehemently argued that the minor child aged eight (08) years, is not ready to interact with the respondent and this has so been recorded by the learned Additional Principal Judge, Family Court, Sonipat in order dated 10.05.2022, Annexure A-4. However, in a peculiar and paradoxical manner, on 18.07.2022, the Court has proceeded to grant visitation rights on two Saturdays in a month. It is submitted that said interaction of the minor child with the respondent will disturb the mental state of the minor and shall be detrimental for her mental and emotional well being. Respondent, it is stated has already solemnized second marriage and has two children out of the said wedlock and is not entitled to any visitation rights. It is thus prayed that this appeal be allowed.

We have heard learned counsel for the parties and have gone through the paper book with his able assistance. However, we do not find any ground whatsoever to interfere in order dated 18.07.2022, passed by the learned Additional Principal Judge, Family Court, Sonipat, wherein visitation rights as mentioned above have been afforded to the respondent while dismissing respondent's application for interim custody of the minor child in his petition under Section 8 of the Hindu Minority and Guardianship Act, 1956.

It is to be noticed that interaction with the minor child has been permitted to the respondent at the Court premises itself between 2.00 to 4.00 p.m, which necessarily indicates monitoring by the Court. Perusal of interim

order dated 10.05.2022 and earlier orders of the learned Family Court in-fact indicate that the said court was conscious of the mental well being of the minor child and it is due to this reason itself that interaction has been permitted at the Court premises itself. Therefore, apprehension as raised by the petitioner is unfounded and unsubstantiated. It is always open to the learned Family Court to take necessary steps as may be necessary in case the circumstances so warrants at that particular time.

Learned counsel for the appellant is unable to point out any illegality or infirmity in order dated 18.07.2022 passed by the learned Additional Principal Judge, Family Court, Sonipat.

No other argument has been addressed.

Appeal is, accordingly, dismissed with no order as to costs

(LISA GILL)
JUDGE

(HARSH BUNGER)
JUDGE

August 16, 2022.
s.khan

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No.