

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-128-2020

Date of decision 22.07.2022

Ghanishta

....Appellant

VS

Rajesh Joon

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTAPresent: Mr. Deepak Girotra, Advocate
for the appellant.Mr. Kulvir Narwal, Advocate
for the respondent.

Ritu Bahri, J. (Oral)

Ghanishta-Appellant has filed the present appeal, challenging the order dated 16.07.2019 whereby petition preferred by her under Section 7 (g) of the Family Courts Act, 1984 seeking direction for grant of visitation rights and meeting her father, was dismissed.

Brief facts of the case are that marriage between respondent and Monika (mother of the appellant) was solemnized on 08.02.2013 according to Hindu rites and ceremonies. Out of this wedlock, appellant was born on 24.10.2013. However, due to temperamental differences between the parties, the parties filed a divorce petition under Section 13 of the Hindu Marriage Act and their marriage was dissolved on 01.08.2018 by Family Court, Rohtak. The custody of the appellant was settled to remain with the mother of the appellant.

This Court issued notice to the respondent on 10.03.2021. On 24.05.2022, this Court passed the following order:-

“The appellant along with her mother is present in the Court today.

Dr. Garima, Counsellor is hereby appointed as Amicus

Curiae to assist this Court who will interact with the appellant-minor child today itself and submit her report.

After interacting with the appellant-minor child, the Counsellor submit her report in the Court which is taken on record as Annexure R-1. As per the said report the minor child is smart and confident and wants to meet her father.

An amount of Rs.5,000/- be paid to Dr. Garima, Counsellor for interacting with the parties and minor child through High Court Legal Services Authority.

Adjourned to 22.07.2022.

The parties are directed to remain present in the Court on the next date of hearing.

This Court made an attempt to resolve the dispute amicably between the parties. A bare perusal of the report dated 24.05.2022 (R-1) shows that the appellant is confident and maintained eye to eye contact. She only wants to meet the father/respondent. She wants to feel affection of her father.

Reference at this stage can be made to Section 7 (g) of the Family Courts Act, 1894:-

“7. Jurisdiction

(g) a suit or proceeding in relation to the guardianship of the person or the custody of, or access to, any minor.”

The appellant is present with her mother and the respondent is also present in the Court today. The respondent is not ready to meet the appellant, as he had performed second marriage and has a child from the second marriage. On the other hand, Monika (mother of the appellant) states that child has a right to meet her father, even if the marriage between the parties had been dissolved, vide order dated 01.08.2018. The respondent states that the appellant is creating problem in his marital life.

Heard learned counsel for the parties at length.

Even though it is the duty of the parents to look after the

emotional needs of the child. But since the respondent has clearly stated that he does not want to meet his daughter, this Court cannot force him at this stage to meet the appellant. The parties have taken the divorce by way of mutual consent. The parties have agreed that the mother of the appellant will take care of the appellant. As far as meeting rights are concerned, the child has a right to meet the father but in the present case, this Court is of the view that the appellant, who seems to be a confident child, shall stay with her mother happily.

This appeal is dismissed. However, dismissal of the appeal will not be a bar for the appellant to get in touch with the respondent, who is her real father. This Court understand the emotions of the daughter, who wants to meet her father despite the fact that his parents had taken mutual divorce way back on 01.08.2018. But this Court cannot force the father to meet his daughter, as he has now performed second marriage and has one child from the second marriage.

(RITU BAHRI)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

22.07.2022
G Arora

<i>Whether speaking/reasoned</i>	: Yes/No
<i>Whether reportable</i>	: Yes/No