

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO-4828-2016

Date of decision: 03.08.2022

Ashok Kumar

..... Appellant

Versus

Bakshi Ram and another

..... Respondents

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

PRESENT: Appellant-Ashok Kumar, in person with
Mr. Suveer Sheokand, Advocate.

Minor daughter-Jaspreet Kaur in person with
Mr. Kartik Gupta, Advocate for respondent No. 1.

RITU BAHRI, J. (ORAL)

Appellant-Ashok Kumar, has come up in this appeal against the order dated 29.02.2016, passed by the learned Civil Judge (Senior Division), Hoshiarpur, whereby the petition under Section 7 of the Guardian and Wards Act, 1890, filed by the respondents was allowed and they were declared as guardian of minor children, namely; Jaspreet Kaur and Manpreet.

Briefly stated, Asha Rani @ Ashi, daughter of respondents-Bakshi Ram and Surinder Kaur (since deceased) was married to appellant-Ashok Kumar. Two children, namely, Jaspreet Kaur and Manpreet, were born out of this wedlock. Due to temperamental difference the relations of Asha Rani @ Ashi with the appellant were strained and the appellant used to beat and maltreat her during her life

time. Unfortunately, Asha Rani @ Ashi, left for heavenly abode at the time of birth of minor son-Manpreet. Both the children are brought up by their maternal grandparents since their childhood.

Today, both the parties are present in Court. They were sent for counselling. Dr. Garima Sharma, Counsellor, is hereby appointed as Amicus, to assist this Court. After interacting with the parties she has submitted her report dated 03.08.2022. The same is taken on record as Annexure R-1. A copy thereof, be supplied to both the parties.

The High Court Legal Services Authority, shall pay an amount of Rs.5000/- to Dr. Garima Sharma, for report Annexure R-1.

As per report of the Counsellor Annexure R-1, she interacted with father-Ashok Kumar (appellant herein) and daughter-Jaspreet Kaur. She observed that the father wants the custody of children, namely; Jaspreet Kaur (daughter) and Manpreet (son) because he is paying maintenance of Rs.25,000/- per month. There is no emotional bonding between the father and daughter. He never tries to contact them and in counselling session emphasizes given on to bridge communication gap. Ashok and Renu (second wife of appellant) become aggressive on child.

Dr. Garima Sharma, has also observed that Jaspreet Kaur, is confident and maintains eye to eye contact. She is residing in a joint family of Mama, Mami, maternal grandfather and cousin. She shares strong bonding with them. According to the child, the atmosphere of house is very good. While asking about her father she narrated that he used to beat her mother. There is no communication between father and daughter.

In the present case, date of birth of Jaspreet Kaur is 09.11.2006 and as on today, she is more than 15 years of age. Keeping in view the observations made by the Counsellor in her report, no case is made out to hand over the custody of children to the father.

The instant appeal stands dismissed.

**(RITU BAHRI)
JUDGE**

August 03, 2022
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**(ASHOK KUMAR VERMA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No