

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO-4944-2016

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 his petition filed under Section 25 of the Guardian and Wards Act, 1890, for taking the custody of minor children, namely; Jaspreet Kaur and Manpreet, was dismissed.

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, has been appointed as Amicus, to assist this Court. After interacting with the parties she has submitted her report dated 03.08.2022 in the connected appeal i.e. FAO-4828-2016. Office to tag a copy of the said report in this appeal as well.

Keeping in view the observations made by Dr. Garima Sharma, Counsellor/Amicus, in her report (in FAO-4828-2016) and the fact that both the children, namely; Jaspreet Kaur and Manpreet are being brought up by their maternal grandparents since their childhood, 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
rishu

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No