

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

**CR-6109-2022 (O&M)
Decided on:-22.12.2022**

Chetan Sharma

....Petitioner..

vs.

Charu Sharma

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. S.K.Jain, Advocate with
Mr. Anubhav Singla, Advocate and
Mr. Abhimanyu Garg, Advocate,
for the petitioner.

HARKESH MANUJA J. (Oral)

By way of present revision petition, prayer has been made for issuance of direction to the Family Court, Dera Bassi (Camp Court) for early disposal of an application filed at the instance of petitioner-father, invoking Section 12 of the Guardians and Wards Act, 1890 (for brevity, "1890 Act") for interim custody/visitation right of his minor son, namely, Yugansh Sharma.

2. Facts of the present case are that in the month of May, 2021, petitioner-father filed a petition under Section 25 of the 1890 Act for grant of custody of his minor son-Yugansh Sharma. Alongwith the aforesaid, the petitioner-father also moved an application under Section 12 of the 1890 Act for seeking interim custody/visiting rights qua his minor son-Yugansh Sharma. The petition was originaly filed before the court of competent

jurisdiction at Amritsar, however, the same was ordered to be transferred to the court of competent jurisdiction at SAS Nagar, Mohali under the orders of this Court passed in Transfer Application No.619-2021 (O&M) decided on 13.10.2021 (Annexure P-4).

3. Learned counsel for the petitioner submits that since May 2021, despite reply having been filed to the application under Section 12 of the 1890 Act, the prayer made at the instance of petitioner-father has not been adjudicated upon. He further submits that petitioner-father has not been able to see his minor son for the past three years now, whose custody was forcibly taken by the respondent-mother against the wishes of father i.e. petitioner.

4. I have heard learned counsel for the petitioner as well as gone through the paper book and considering the facts & circumstances of the present case, wherein, petitioner happens to be father of minor son-Yugansh Sharma, who has not seen his son for the past three years, I deem it appropriate to dispose of the present revision petition with a request to the Family Court, Dera Bassi (Camp Court) to dispose of the application filed at the instance of petitioner-father, under Section 12 of the 1890 Act so as to determine his rights qua the interim custody/visting rights as regards his minor son-Yugansh Sharma, on the date already fixed i.e. 02.03.2023 or any other date of its convenience, preferably within a period of two weeks thereafter.

5. In my view, delay in disposal of the interim application is causing substantial prejudice to the rights of petitioner-father, besides even depriving him of even seeing his minor son, thereby extending his agony.

6. Keeping in view the nature of proceedings, the present petition is being disposed of without issuing notice to the respondent, least it may further delay the proceedings.
7. Pending application(s), if any, shall also stand disposed of.

22.12.2022
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(HARKESH MANUJA)
JUDGE

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