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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA-935-2023 (O&M)
Date of decision: 21.07.2023

RAJIV VASAL

...Appellant

VERSUS

AARTI VASAL AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present:- Mr. Rahul Sharma, Advocate
for the appellant.

Mr. R. S. Bains, Senior Advocate with
Mr. Aman Raj Bawa, Advocate
for respondent No.1, 6 and 7.

Mr. Deepanjay Sharma, DAG, Punjab
for respondents No.2 to 5.

JAISHREE THAKUR, J. (Oral)

This is an appeal that has been filed seeking to challenge interim order dated 18.07.2023, whereby in a petition filed for habeas corpus i.e. CRWP No.4304 of 2023, the learned Single Judge has asked the appellant-father, who is having physical custody of the minor girl since 18.03.2023, to hand over the interim physical custody of the minor girl child to the petitioner-mother on 21.07.2023 at 04:00 P.M. till 23.07.2023, when she will drop her back to the place of the appellant-father at 04:00 P.M.

Learned counsel for the appellant-father would submit that the appellant-father would have no hesitation in allowing the mother to meet the child right through the day but the child should be sent back to sleep at night. However, this Court is not inclined to interfere with the order so passed by the learned Single Judge. The minor daughter was residing with the mother till 18.03.2023 and the mother, who is present in person, has given an assurance to the Court that in case the minor daughter is upset in any manner whatsoever and cannot sleep with her mother or is distressed in any manner whatsoever, she would call the appellant-father immediately. It is on this assurance given by the mother that this Court is not inclined to interfere with the order so passed on 18.07.2023.

Consequently, the instant appeal is dismissed.

(JAISHREE THAKUR)
JUDGE

(SUKHVINDER KAUR)
JUDGE

21.07.2023
Chetan Thakur

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No