

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR No.6736 of 2023

Date of Decision: 09.11.2023

Narender Kumar

...Petitioner

Versus

Neelam Devi and another

...Respondents

CORAM: ***HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA***Present:- Mr. Vaibhav Parashar, Advocate
for the petitioner.

MEENAKSHI I. MEHTA, J. (Oral)

By way of the instant revision petition, the petitioner has assailed the order dated 19.07.2023 passed by learned Additional Principal Judge, Family Court, Faridabad (for short 'the trial Court'), qua the dismissal of the application as moved by him for seeking the interim custody of his daughter.

2. I have heard learned counsel for the petitioner in this revision petition, at the preliminary stage and have also perused the file carefully.

3. Learned counsel for the petitioner contends that as per terms of Annexure P-3, i.e the Memorandum of Understanding executed between the petitioner and respondent No.1, the daughter of the parties was to remain in the custody of respondent No.1 till she attained the age of majority but now, the petitioner has come to know that respondent No.1 has re-married and has left their minor daughter with respondent No.2, i.e her (respondent No.1's) father, in violation of the above-mentioned terms and in these circumstances, the petitioner is entitled to the interim custody of his daughter and hence, the impugned order is not legally sustainable and deserves to be set-aside.

4. However, the afore-raised contention can and shall be looked into and adjudicated upon by the trial Court, after appreciating and evaluating the evidence that may be led by the parties on the record during the course of the trial and the same cannot be decided at the stage of dealing with the present revision petition. Moreover, the trial Court, while declining the prayer of the petitioner regarding the interim custody of his daughter, has made the following observations in the impugned order: -

“Child Sheetal aged about 16 years appeared before the court and refused to meet her father and also specifically denied for the visitation rights. Heard. The present petition has been filed in the year 2021 i.e. almost 8 year after the separation. As child who is a smart girl of 16 years has refused to meet her father so she cannot be compelled to do the same. So, Interim custody application is dismissed.”

5. Keeping in view the above-discussed facts and circumstances, this Court is of the considered opinion that the impugned order does not suffer from any illegality, infirmity, irregularity or perversity, so as to warrant any interference by this Court. Resultantly, the revision petition in hand, being *sans* any merit, stands dismissed.

09.11.2023
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(MEENAKSHI I. MEHTA)
JUDGE

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