

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

CR No. 5480 of 2022

Date of decision: 02.02.2023

Gyarsi Devi

..... Petitioner.

Versus

Smt. Savita

.... Respondent.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Sudhir Rana, Advocate, for the petitioner.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has challenged the order dated 04.10.2022 (Annexure P-4) passed by the Principal Judge, Family Court, Rewari, whereby interim custody of the minor child has been granted to the respondent-mother.

Learned counsel for the petitioner submits that the petitioner is the paternal grandmother of the minor child. Her son had unfortunately expired. She is 74 years of age and drawing a monthly pension of ₹20,000/-. She is, therefore, in a position to take care of the needs of the child. The child is studying in a reputed play school at Rewari. She has all the time to devote for the proper upbringing of the minor child. He also submits that the respondent had remarried after the death of her husband, but the marriage has ended in a divorce.

Heard.

It is indeed an unfortunate situation where the father of the minor child has expired. The Family Court by the impugned order has directed that the custody be given to the respondent-mother, as at the time of

filing of the petition the minor child was less than 5 years old. Although learned counsel for the petitioner has submitted that the pension of the petitioner is ₹20,000/- per month, but it has come in the impugned order that the pension of the petitioner is ₹10,000/- per month. It is also recorded in the impugned order that the age of the petitioner is 75 years. The respondent-mother is the natural guardian of the child. She herself is stated to be a single parent at the moment and I do not find any pressing circumstances to deny the custody of the minor daughter to the mother.

Consequently, I do not find any merit in this petition which stands dismissed. However, it would be in the interest of the minor child if she has love and affection of the mother and the parental grandmother as well. The Family Court is directed to explore the possibility of reconciling the differences between the parties by trying mediation before finally adjudicating the dispute over the custody of the minor child on merits.

02.02.2023

Ramesh

(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No