

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

**CR No.6884 of 2023**

**Date of Decision: 16.11.2023**

Priyanka and another

...Revisionists-Petitioners

Versus

Ram Chander and others

...Respondents

**CORAM:    *HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA***

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Present:-     Mr. Karan Singh, Advocate  
                     for the revisionists-petitioners.

**MEENAKSHI I. MEHTA, J.(Oral)**

By filing the instant revision petition under Article 227 of the Constitution of India, the petitioners have assailed the order (Annexure P-5) passed by learned Principal Judge, Family Court, Kaithal (for short 'the trial Court') on 03.11.2023, allowing the application (Annexure P-2) moved by respondents No.1 and 2 for seeking the interim custody of their minor grand-daughter, i.e daughter's daughter (for short 'the minor child') and directing them (petitioners) to hand over her (minor child's) custody to the said respondents.

2.             Shorn and short of unnecessary details, the facts, culminating in the filing of the present revision petition, are that respondents No.1 and 2 preferred petition Annexure P-1 with the prayer that they be appointed the legal guardians of the minor child and her custody be also given to them and averred therein that the marriage of their daughter was solemnized with

the brother of the petitioners (sued as respondents No.3 & 4) and the minor child named Nitya was born on 08.04.2020 out of their wedlock. However, on 09.04.2023, their daughter died in her matrimonial home and a criminal case had been registered against her husband and mother-in-law (sued as respondents No.1 & 2), under Section 304-B/34 IPC and the minor child was staying with the petitioners, i.e her paternal-aunts. They also moved application Annexure P-2 for seeking her (minor child's) interim custody and the same has been allowed vide the impugned order.

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

4. Learned counsel for the petitioners contends that the minor child is, presently, residing with the petitioners and she is quite happy and comfortable while staying with them but vide the impugned order, the trial Court has erroneously directed the petitioners to hand over her custody to respondents No.1 and 2 and hence, this order is not legally sustainable and deserves to be set aside.

5. However, the afore-raised contention is devoid of any force as respondents No.1 & 2 are, concededly, none other than the maternal grandparents of the minor child and they have categorically pleaded in their above-referred petition (Annexure P-1) that after being thrown out of her matrimonial home by her husband and mother-in-law due to non-fulfilment of their demand for dowry, their daughter, along-with the minor child, had stayed with them for almost seven months and that they and their son are earning sufficient income. Admittedly, the petitioners are married and are

having their own children to look after. It being so, they cannot be expected to ignore their responsibilities towards their families, including their kids, so as to give the kind of attention and care to the minor child, as required for her well-being and proper upbringing, in the circumstances when she has, unfortunately, lost her mother at the tender age of three (03) years and her father is facing criminal proceedings and is behind the bars on account of death of her mother and rather, in such an eventuality, respondents No.1 and 2, being her maternal grandparents, would be in a better position to provide the requisite emotional and moral support, besides other facilities, to help her in growing up as a happy and contented child.

6. Keeping in view the afore-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 call for any interference by this Court. Resultantly, the revision petition in hand, being bereft of any merit, stands dismissed.

7. It is further clarified here that nothing contained here-in-above shall be construed to be the expression of the opinion of this Court on the merits of the petition, pending before the concerned trial Court.

**November 16, 2023**  
pooja

**(MEENAKSHI I. MEHTA)**  
**JUDGE**

*Whether speaking/reasoned:*      *Yes*  
*Whether Reportable:*                *No*