

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

**Civil Revision No.7720 of 2023
Date of Decision: 20.12.2023**

Mamta

...Revisionist-Petitioner

Versus

Gaje Singh Punia

...Respondent

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

Present:- Mr. Sandeep Goyat, Advocate,
for the revisionist-petitioner.

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MEENAKSHI I. MEHTA, J.(ORAL)

By filing the present revision-petition under Article 227 of the Constitution of India, the petitioner has assailed the order (Annexure P-3) passed by learned Additional Principal Judge, Family Court at Hisar (for short 'the Family Court') on 15.11.2023, whereby the application (annexed at Page No.24 in the paper-book) moved by the respondent in the petition bearing *CIS No.GW/76/2022* titled as "***Gaje Singh Punia vs. Mamta***" for seeking the interim relief, by way of allowing him and his wife to meet their minor grand-son named Shivansh (for short 'the minor child'), has been allowed and he (respondent) has been granted permission to meet the minor child on the first Saturday of every month, at the Mediation Centre, during the period from 1:30 P.M to 4:00 P.M.

2. I have heard learned counsel for the petitioner in the instant revision-petition, at the preliminary stage and have also gone through the file carefully.

3. Learned counsel for the petitioner contends that while passing the impugned order, the Family Court has considered only the interest of the respondent grand-father whereas the welfare and benefit of the minor child should have been the subject-matter of paramount consideration and also the key decisive factors for adjudicating the above-referred application and it being so, the impugned order is not legally sustainable and therefore, the same deserves to be set aside.

4. However, the afore-raised contention is bereft of any merit because concededly, the respondent happens to be the grand-father of the minor child. It also goes undisputed between the parties that the only son of the respondent named Vikram, who was the husband of the petitioner and the father of the minor child, has, unfortunately, expired and admittedly, the minor child is, presently, residing with the petitioner, his mother. While deliberating over the question/issue as to whether it would be in the welfare of the minor child to allow the respondent (the petitioner before the Family Court) to meet him on the weekends, the Family Court has categorically observed in Para No.6 in the impugned order that the untimely death of their son was a great loss and shock to the petitioner, i.e the present respondent and his wife as well and their love and affection towards the minor child is quite obvious.

5. Even this Court is also of the considered opinion that it would be quite natural for the grand-parents to long or crave for meeting their minor grand-child, especially in the eventuality of their having already lost their son, who was his (minor child's) father. To add to it, as mentioned

earlier, the respondent has been granted permission to meet the minor child for a short period of 2½ hours once a month and that too, in the Mediation Centre. In these circumstances, it becomes explicit that at this stage, there is nothing on the file to infer/conclude that the above-discussed permission would adversely affect the welfare or interest of the minor child and hence, no fault can be found with the impugned order.

6. As a sequel to the fore-going discussion, it follows 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.

7. It is further clarified that nothing contained here-in-before shall be construed to be an expression of the opinion of this Court on the merits of the afore-mentioned main petition, as pending before the Family Court concerned.

20.12.2023
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*
Whether Reportable: *Yes*

