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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-690-2023 (O&M)
Date of decision: 08.08.2024

GAUTAM SINGAL

...Appellant

Versus

ANJU SINGAL

...Respondent

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Ms. Promila Nain, Advocate
for the appellant.

Mr. Nitin Jain, Advocate for the respondent.

SURESHWAR THAKUR, J. (ORAL)

1. In a petition filed by one Gautam Singal under Sections 8, 12, 17 and 25 of the Guardians and Wards Act read with Sections 6 and 13 of the Hindu Minority and Guardianship Act, 1956, therebys he claimed the custody of his two minor children namely one Divyanka Singal (daughter) and of Kabir Singal (son), from the respondent.

2. On the petition (supra), the learned Principal Judge, Family Court, SAS Nagar, Mohali, passed certain directions which are carried in paragraph Nos. 13 and 14 of the decision rendered, on 09.01.2023, paragraphs whereof become extracted hereinafter.

“13. If the father is allowed to meet the minor child, it will be in the interest and welfare of the minor child for his wholesome mental development. Hence, the application in hand stands partly allowed and applicant/petitioner is allowed to meet the minor child on 3rd Saturday of every month from passing of this order in the office of District Legal Services Authorities. The Secretary, District

Legal Services Authority is requested to look into the matter personally so that the applicant/petitioner can meet his child i.e. son Kabir Singh peacefully. It is further directed that both the parties shall maintain cordial atmosphere during the meeting so that the minor child is able to spend quality time with the applicant/petitioner. It is further directed that if for any reason the Secretary, DLSA is not available due to some meeting or other official purpose, he can make arrangements as per his convenience with the consent of the parties to some other date/day.

14. However, this order will remain in operation till 31.05.2023 and report from Secretary Legal Services Authorities is called, whether the conduct of the petitioner/applicant remain to be cordial and of showering love and affection towards his son. Then, on the receipt of the report from Secretary Legal Services Authorities, S.A.S. Nagar, the operation of order would be extended after evaluating the above said report.”

3. A reading of the hereinabove extracted paragraphs of the impugned verdict shows that the appellant was permitted to access his minor son, on the 3rd Saturday of every month, but in the office of the District Legal Services Authority. The directions (supra) as become embodied in the above extracted paragraphs cause(s) grievance to the present appellant, whereupon he is led to institute thereagainst the instant appeal before this Court.

4. Today, during the course of hearing being made, upon the instant appeal, this Court had interacted with one Kabir Singal, who is born out of the wed-lock between Mr. Gautam Singal and Ms. Anju Singal. He, as of date is aged 17 years and 10 days, wherebys he at this stage, is about to acquire majority but was relenting to interact with his father.

5. Though, therebys this Court is constrained not to make an interference with the impugned order, but it hopes and expects that both the present appellant and his minor son one Kabir Singal, would show

voluntary love and affection to each other, so that hereafter, no further directions are required to be passed by the Courts of law.

6. Be that as it may, the operation of the directions carried in the above extracted paragraphs of the impugned order, were to remain alive only till 31.05.2023, and, the further continuance of the said direction were made subject to a report becoming received by the Principal Judge, Family Court, SAS Nagar, Mohali, from the Secretary, District Legal Services Authority. However, no such report appears to have been either received by the (supra), nor it appears that any further order becomes rendered, whereby the operation of the directions carried in the hereinabove extracted paragraphs of the impugned order thus, become continued.

7. In the face of the above, at the instant stage, this Court finds no merit in the instant appeal, and, is constrained to dismiss the same but with directions to the learned Principal Judge, Family Court, SAS Nagar, Mohali to, after inviting response from the Secretary, District Legal Services Authority, if not already invited, to, in terms of the said report proceed to pass such further directions, as deemed fit. However, in the said endeavour the learned Principal Judge, Family Court, shall proceed to make personal interactions both with the present appellant and with his minor son Kabir Singal.

8. Disposed of accordingly.

9. Pending miscellaneous application(s), if any, stand(s), disposed of.

(SURESHWAR THAKUR)
JUDGE

08.08.2024

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(SUDEEPTI SHARMA)
JUDGE