

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-1058-2024 (O&M)
Date of Decision:-21.02.2024

SURINDER PAL

... Petitioner

Versus

GURBAKSH KAUR AND ANR

... Respondents

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CORAM: HON'BLE MRS. JUSTICE RITU TAGORE

Present:- Mr. Namish Sodhi, Advocate for
Mr. Keshav Pratap Singh, Advocate
for the petitioner.

RITU TAGORE, J. (Oral)

1. This revision is directed against the order dated 20th October, 2023 passed by learned Principal Judge, Family Court, Shaheed Bhagat Singh Nagar in a petition whereby the learned Principal Judge, Family Court has directed the petitioner to produce the minor children in the Court, upon request made by respondent No.1-Gurbaksh Kaur, the biological mother of the minor children.

2. The learned counsel for the petitioner submits that the petitioner is the grandfather of the minor children aged between 12-08 years, respectively, who are residing with him. The respondent No.1 is the biological mother of the children, who has filed a custody petition under Section 7 read with Section 25 of the Guardian and Wards Act, 1890, which is pending adjudication before the learned Principal Judge, Family Court, Shaheed Bhagat Singh Nagar, Camp Court at Balachaur.

3. Learned counsel further submits that respondent No.1 is a very quarrelsome lady, who extremely harassed her mother-in-law, Bhajno, who ultimately committed suicide on account of harassment given by respondent No.1, for which a criminal case for commission of offence punishable under Section 306 IPC has been registered against respondent No.1. The learned counsel submitted that challan (Annexure P-1) has also been filed against respondent No.1. The children have been in custody of the petitioner since the time of her arrest. Further, learned counsel states that respondent is a women with criminal background. Therefore, it is not in the best interest of the minor children to meet respondent No.1. Her presence with the children is not conducive for the welfare of the children and learned counsel prays that the order directing the petitioner to bring the children in the Court for a meeting with respondent No.1 be set aside.

4. I have heard learned counsel for the petitioner and have gone through the paper-book thoroughly.

5. It is admitted fact that respondent No.1 is the biological mother of the minor children, who has filed a custody petition against the present petitioner and others. It is matter of record that criminal case has been registered against respondent No.1, which is pending for adjudication. It is settled proposition of law that accused is innocent until he/she is held guilt. The respondent No.1 being a mother has the right to meet her children. There is no denying the fact that for a holistic growth of a child/children, company/association of all his/her relatives, parents, grand-parents, brothers, siblings or cousins is required. Admittedly the Court is seized of the custody petition and has to decide the matter considering the best interest of the

child/children. The imputations as levelled by the petitioner against respondent No.1, at this stage, are unwarranted. It is only for the learned trial Court before whom custody matter is pending, to assess whether the association of the children with respondent No.1 is conducive to their overall growth or not. Therefore, at this stage, considering all the aforesaid facts and circumstances, no ground is made out to upset the order impugned herein. Accordingly, the petition fails and is dismissed.

6. Since the main case has been decided, pending miscellaneous application(s), if any, are also disposed of accordingly.

21.02.2024
Gaurav Sorot

(RITU TAGORE)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No