



347

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-2509-2024 (O&M)
Date of decision: 05.12.2024

Seema Gyanchandani

...Petitioner

Versus

Rahul Gyanchandani

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Shefali, Advocate
(Through Video Conferencing) and
Mr. Gaurav Pathak, Advocate for the petitioner.

Mr. Rakesh Kumar, Advocate and
Ms. Shubreet Kaur, Advocate for the respondent

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the impugned order dated 02.04.2024 (Annexure P-1) passed by the Principal Judge, Family Court, Gurugram in case titled as “Rahul Gyanchandani Vs. Seema Gyanchandani”.
2. Learned counsel for the petitioner has submitted that by virtue of the impugned order, an application filed by the respondent under Section 12 of the Guardians and Wards Act, 1890 for seeking interim custody of the minor child during the pendency of the petition under Section 25 of the Guardians and Wards Act, 1890, has been adjudicated after taking into consideration the reply and after hearing both the parties. It is submitted that



vide said order, the following directions have been given:-

“18. Keeping in view the above facts and the observations made in various authorities, it is held that though the petitioner is not entitled for interim custody of the minor during the pendency of the case but certainly, he is entitled to the visitation rights and to spend the summer as well as winter holidays with the minor child in the following manner.

1. The petitioner-father shall be entitled to meet the minor child on every 2nd and 4th Sunday of every English Calender Month for five hours between 11.00 am to 4.00 pm. The respondent shall drop the child at the residence of petitioner and shall pick him back from the same place at the scheduled time.

2. The petitioner-father is also entitled to meet the minor child during summer vacations for ten days and half of the winter vacations.

3. The petitioner-father is also allowed to meet the minor child on festivals i.e. Holi, Diwali, Birthday of petitioner and birthday of minor child for a period of two hours.

4. The respondent-mother is also directed to allow the petitioner to speak with the minor child on mobile phone for once in a week atleast for 15 minutes.

19. Hence, the application filed by the applicant-petitioner stands disposed off.”

3. Learned counsel for the petitioner has further submitted that in view of the judgment passed by the Full Bench of Delhi High Court dated 16.10.2024 passed in **MAT.APP.(F.C.) No.126 of 2019 titled as Dr. Geetanjali Aggarwal Vs. Dr. Manoj Aggarwal**”, the impugned order passed by the Family Court, Gurugram is appealable under Section 19 of the



Family Courts Act, 1984 and has thus, submitted that she seeks permission of this Court to withdraw the present revision petition with liberty to the petitioner to file an appeal under Section 19 of the Family Courts Act, 1984.

4. Keeping in view the abovesaid facts and circumstances and the prayer made by learned counsel for the petitioner, the present revision petition is dismissed as withdrawn with liberty to the petitioner to file an appeal, in accordance with law.

5. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

05.12.2024
Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether reportable:-	Yes/No