



CR-3999-2024

-1-

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

(136)

CR-3999-2024

Date of decision: - 06.08.2024

Asha Bhadana

....Petitioner

Versus

Devender Poswal

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Pradeep Chhoker, Advocate,
for the petitioner.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India read with Section 115 CPC for setting aside the impugned order dated 25.04.2024 passed by the Principal Judge, Family Court, Faridabad in petition under Section 25 of the Guardianship and Ward Act read with Section 9 of the Act for custody of the minor Master Devansh.

2. The respondent, father of the minor child, had filed a petition under Section 25 of the Guardianship and Ward Act, read with Section 9 of the Act, for the custody of the minor child, whose age was stated to be one year on the date of filing of the said petition. A written statement to the said petition was filed. During the pendency of the petition, an application (Annexure P-5) was filed by the respondent for increasing his



CR-3999-2024

-2-

visiting time with the minor child from once a month to once a week. In the said application, it was stated that vide order dated 15.11.2023, the Court had granted permission to the respondent to meet the child once a month. It was pleaded that the child felt comfortable with the petitioner, thus, a request was made to increase the meeting days and time to once a week. The reply to the said application was filed by the present petitioner. The petitioner had also filed an application for cancellation/dismissal of meeting rights of the respondent to which a reply was filed by the respondent. The copies of the said cancellation application filed by the petitioner and reply to the said application filed by the respondent are not placed on record.

3. The Principal Judge, Family Court, Faridabad vide order dated 25.04.2024 had partly allowed the application filed by the respondent and had increased the visiting time of the respondent with the minor child from once a month to twice a month, whereas, the application filed by the present petitioner for cancellation/dismissal of the meeting rights of the respondent with the minor child was dismissed. The relevant portion of the said order is reproduced as under: -

“9. I have heard the learned counsel for the parties and have gone through the case file minutely.

10. It is observed that the meeting of the minor child is held in the Court premises every time. All such meetings are organized in the visiting room/creche area and it is always ensured that the meeting is carried out in a cordial atmosphere and ambience. Further, all such meetings are carried out under the strict vigil and supervision of the Naib Court/police official



CR-3999-2024

-3-

associated with this Court. It is unfortunate if the adult members quarrel with each other in presence of the child without caring about the welfare of said small child. They have to rise above such selfish considerations and have to keep in mind the paramount issue of the welfare of the minor child. Furthermore, welfare of the child remains in the fact that he requires equal love and affection of both the parents. As far as my memory serves, in this case, whenever one or two minor instances have been reported to this Officer qua meeting hours, the same have been addressed and now the meetings are being conducted smoothly. However, still further, the parties are being warned to behave themselves in the presence of child during meeting hours, otherwise, coercive action can be taken against the parents. At present, interest of justice would be served, if the petitioner is allowed to meet the child twice in a month. Therefore, without cancelling the meeting rights of petitioner, it is directed that the petitioner be allowed to meet the child twice in a month in the Court premises at the hours, on every 2nd and 4th Wednesday, after lunch hours, for two hours each. Application for cancellation/dismissal of the meeting rights of the petitioner with minor and for taking legal action against the petitioner on account of misbehaving with the respondent and her family members filed by the respondent stands declined. Application to increase visiting time of petitioner with baby child Devansh from one day in a month to one day in a week filed by petitioner stands partly allowed to the extent that the petitioner be allowed to meet the child twice in a month.”

4. A perusal of the said order would show that it was observed that the minor child was meeting with the respondent in the Court premises and all such meetings were being organized in the visiting room/creche area and it was ensured that the meetings were carried out in a cordial atmosphere and ambience and were organized under the strict vigil and supervision of the Naib Court/police official associated with the



CR-3999-2024

-4-

Court. It was further observed that the welfare of the child is in the fact that he should get love and affection from both the parents. Thus, the said order is well reasoned and has been passed after taking into consideration the welfare of the child, which is of paramount importance while considering the custody of the child and while granting visitation right.

5. Learned counsel for the petitioner has submitted that the impugned order deserves to be set aside and the respondent should be given visiting rights only once a month as the respondent is a lawyer practicing in the District Court, Palwal and he is pressurizing the petitioner to compromise the matter. It is, however, fairly submitted that there is no prima facie proof regarding the same with the petitioner. The said argument raised by the learned counsel for the petitioner does not call for interference in the said order, which is in accordance with law. It is in the best interest of the minor to get love and affection of both the parents. On account of the visiting rights having been granted, the minor child would remain in touch with the father and thus, the bond between them would remain alive. In cases with respect to the custody of the minor child, the paramount consideration is the welfare of the child and the said order is in furtherance of the same. Moreover, since the meeting of the minor child is to take place in the Court premises, under the supervision of the Naib Court/police official, thus, the argument raised on behalf of the petitioner with respect to the respondent pressurizing the petitioner at the time of the said meeting is baseless and does not call for setting aside the impugned order.

CR-3999-2024

-5-

6. Keeping in view the above-said facts and circumstances, this Court is of the opinion that the order dated 25.04.2024 passed by the Principal Judge, Family Court, Faridabad, is legal and does not call for any interference and the present civil revision petition being meritless, deserves to be dismissed and is accordingly dismissed.

August 06, 2024
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	Yes