

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-3719-2022 (O&M)
Reserved on: 08.11.2024
Date of decision: 17.12.2024

SURINDER PAL SINGH ..Petitioner
Versus
PARVINDER KAUR ..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vijay Kumar, Advocate for the petitioner.

Mr. Vishal Sharma, Advocate
Mr. Karamveer Singh, Advocate
for respondent.

ANIL KSHETARPAL, J.

1. The petitioner herein (respondent's husband) prays for setting aside order condoning the delay of 930 days in filing the written statement to the petitioner's petition filed for custody of the two children under Section 25 of the Guardians and Wards Act, 1890, passed by the Family Court.
2. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.
3. Learned counsel representing the petitioner submits that the Family Court has erred in condoning the delay of 930 days without any reason. It is submitted that operative part of the order shows that the Court has failed to record any plausible reason to condone the delay.
4. Per contra, learned counsel representing the respondent prays for upholding the order.
5. This Court has considered the submissions of the learned counsel representing the parties.



6. It is evident that the family Court has exercised discretion while passing the order which can be interfered with only if this Court comes to conclusion that such discretion was perversely exercised. From the facts, it is evident that the respondent entered appearance on 19.09.2019. The petitioner filed application for interim custody to which reply was filed by the respondent on 17.02.2020. Subsequently, on account of COVID-19 pandemic, the working of the Courts was compromised for sufficiently long time. During the aforesaid period, the petitioner filed application for striking off the defence as the wife failed to file reply. The respondent filed her written statement on 23.11.2021. The Supreme Court has already declared that the period of limited working of the Courts due to COVID-19 pandemic is required to be excluded while calculating limitation. Moreover, the dispute is with regard to custody of two children, out of which the daughter is already a major.

7. On reading of the paperbook, it becomes evident that various interim applications were pending before the Court. In para 4 of the order, the Family Court has noticed the progress of the case. In between the parties settled to facilitate the meeting between two children and petitioner on 10.12.2020, resulting in disposal of application for visitation rights. Efforts were also made to amicably settle the dispute.

8. Keeping in view the aforesaid facts, this Court does not find it appropriate to interfere with the discretion exercised by the Family Court, hence, the petition is disposed of.

17th December, 2024

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No