

CR-4524-2023 (O&M)

2024:PHHC:023865

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154 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-4524-2023 (O&M)

Date of decision :20.02.2024

Gurpreet Singh

...Petitioner

Vs.

Manohar Lal and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Munish Gupta, Advocate
for the petitioner.

Mr. Atul Jain, Advocate
for the respondents.

ANIL KSHETARPAL, J. (Oral)

1. The impugned order dated 25.07.2023 reads as under:-

“Received by transfer. It be registered. On request let file be put up on 19.08.2023 for consideration on application for dismissal of petition. Respondent is directed to produce the minor on next date.”

2. On 28.08.2023, after hearing learned counsel representing the petitioner, the following order was passed:-

“The challenge in the instant revision petition is to the order dated 25.07.2023 (Annexure P-11) passed by learned Additional Principal Judge, Family Court, Patiala whereby the petitioner has been directed to produce the minor child on the next date of hearing i.e. 19.08.2023 which now stands adjourned to 26.09.2023.

Learned counsel for the petitioner, inter alia, contends that in the earlier litigation between the same parties, this Court directed the respondents to handover the

custody of the minor child namely Avneet Kaur to the petitioner vide judgment dated 24.07.2020 (Annexure P-2) passed in CRWP No.3553 of 2020 which has been held in LPA No.476 of 2020 tilted as 'Manohar Lal and another Vs. State of Punjab and others' decided on 05.08.2020 (Annexure P-3) and also in SLP (Crl.) No.6416 of 2020 titled as 'Raj Kaur and another Vs. Gupreet Singh and others' decided on 17.12.2020 (Annexure P-4). Thereafter, the respondents, who are uncle and aunty of the petitioner, have filed petition under Sections 7 and 25 of the Guardians and Wards Act, 1890 seeking custody of the minor child daughter of the present petitioner and Rajwinder Kaur. In the said petition, the application for dismissal of the petition, being not maintainable, has been filed by the present petitioner on the ground that firstly the Family Court at Patiala has no jurisdiction to entertain the petition and that they have no relation with the minor child whereas the present petitioner (respondent therein) is the natural father of the minor child. He submits that the said application is still pending consideration before the said Court, however, without any application from any of the party to the lis, the impugned order dated 25.07.2023 has been passed by learned Additional Principal Judge, Family Court, Patiala directing the petitioner to produce the minor child namely Avneet Kaur.

Notice of motion returnable on 30.11.2023.

In the meanwhile, the operation of impugned order dated 25.07.2023 shall remain stayed, till the next date of hearing.”

3. It is evident that the Family Court has passed the impugned order directing production of minor by a non-speaking order. The Family Court is

required to pass reasoned order before directing production of the minor.

4. Keeping in view the aforesaid facts, the impugned order dated 25.07.2023 is set aside. The Family Court shall proceed with the matter and if, an application is filed by the respondents for production of the child of the minor, the same shall be decided by the Court in accordance with law.
5. The petition stands disposed of.

20.02.2024	(ANIL KSHETARPAL)	
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No