

2024:PHHC:129430-DB



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

FAO-3888-2024 (O&M)
Date of decision: 27.09.2024

Jyoti

....Appellant

versus

Sumit Gulia

....Respondent

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present:- Mr. Vivek Suri, Advocate,
for applicant-appellant.

Mr. Baljeet Beniwal, Advocate,
for the respondent.

SUDHIR SINGH, J. (ORAL)

Present appeal is directed against the judgment dated 20.07.2024 passed by the Principal Judge, Family Court, Rohtak whereby an application filed by the appellant under Section 26 of the Hindu Marriage Act, for interim custody of the minor children, has been dismissed.

2. Learned counsel for the appellant submits that the marriage between the parties was solemnized on 30.06.2012 at Rohtak and two children were born out of the wedlock i.e.

the elder daughter, namely, Sanavi aged about 09 years and younger son, namely, Sanav, aged about 05 years. The respondent-husband instituted a petition under Section 13 of the Hindu Marriage Act, 1955 for grant of a decree of dissolution of marriage on the ground of cruelty. On 04.11.2023, the respondent alongwith his brother forcibly took the minor children from the appellant-wife. The applicant-wife moved an application before the Court below seeking custody of the minor children, which was dismissed vide impugned order dated 20.07.2024.

3. It is the aforesaid order which is under challenge before this Court by way of present petition.

4. During the pendency of the present petition, a compromise has been effected between the parties and a joint affidavit dated 27.09.2024 has been tendered during the course of hearing. The aforesaid affidavit is taken on record. The terms of settlement as recorded, in Para 1 of the affidavit, read as under:-

“1. That the deponent No.1 has filed the aforesaid appeal and yesterday both the deponents had a meeting. The deponent No.1 Jyoti agrees to the proposal of the deponent no.2 for bestowing the visitation rights with regard to the minor children Sanavi and minor son Sanav, twice in a month i.e. on every Second and Fourth Sunday from 12.00 PM to 04:00 PM in Agro Mall at Rohtak. The deponent no. 2

shall bring the children over there and during the time of visitation he shall not interfere in the meeting. The deponent no. 1 as well as deponent no.2 have agreed that they shall be alone at the time of meeting and of none of their relatives would come there and the meeting would be carried out in a cordial atmosphere and no hostile attitude would be depicted over there. The deponent no. 1 out of love and affection might bring any gifts for the children to which the deponent no. 2 shall have no objection. There would be no default on the part of the deponents. The deponent no. 2 has also agreed that he will not tutor the children against the deponent no. 1 and the children would be at liberty to talk to her during the course of meeting. If the children wants to spent additional time with the mother then they are permitted to do so and if the time is to be curtailed then it would be with mutual consent. During the visitation, it is agreed that no negative remarks or comments shall be made against the father and his family by the Deponent No.1 similarly the Deponent No.2 shall not make any derogatory remarks against the Deponent No. 1 and her family. The appeal filed by the deponent no. 1 may kindly be disposed off”.

5. In view of the above settlement/compromise arrived at between the parties, the order dated 20.07.2024 passed by the Principal Judge (Family Court), Rohtak stands modified to the extent as depicted above in Para 01 of the joint affidavit dated 27.09.2024 executed between the parties.

6. The present petition stands disposed of with the
aforesaid modification.

(SUDHIR SINGH)
JUDGE

(JASJIT SINGH BEDI)
JUDGE

27.09.2024
sukhpreet

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