

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

CRWP-10334-2023

Date of Decision : 27.05.2024

SINCLAIR GOMES

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Gaurav Tyagi, Advocate,
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

Mr. Rohit Khanna, Advocate with
Mr. Sahil Chopra, Advocate,,
Mr. Rohit Chandel, Advocate and
Mr. Siddharth Kohli, Advocate,
for respondents no.5 and 6.

KULDEEP TIWARI, J.(Oral)

1. At the very outset, learned counsel for the petitioner submits that during the pendency of the instant petition, petitioner has preferred an appropriate motion under the Guardians and Wards Act, 1890, for the custody of the child, which is pending consideration before the Family Court, Gurugram.

2. He further submits that respondents no.5 and 6, despite notices issued to them, are not appearing rather adopting dilatory tactics.

3. The aforesaid averment made by learned counsel for the petitioner is refuted by learned counsel for respondents no.5 and 6, and submits that in fact no notice has been received as on today by them.

However, he submits that now respondents no.5 and 6, have come to know about the pendency of the petition before the Family Court concerned, therefore, on the next date of hearing, which is 06.07.2024, they will cause appearance before that Court, and file their response accordingly.

4. He also submits that respondents no.5 and 6, have also preferred a petition under the provisions of the Guardians and Wards Act, 1890, before the Family Court concerned.

5. Learned counsel for the respondents submits that in case any *mandamus* is passed upon the Family Court, Gurugram, for the expeditious disposal of the said petition, he has no objection.

6. Keeping in view the peculiar circumstances, and the fact that the petitioner-father is seeking the relief of custody of his own child from from the maternal grandparents (respondents no.5 and 6), *vice versa*, this Court deems it fit and appropriate to pass a *mandamus* upon the Family Court concerned, to make all its efforts to decide both the petitions pending before that Court, within a period of six months from today.

7. **Disposed of** accordingly.

May 27, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No