



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CR-6017-2024 (O&M)
Date of Decision: 19.10.2024

Joginder Singh
...Petitioner
Versus
Gagandeep Kaur and others
...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Vishal Sharma (Vasudeva), Advocate,
for the petitioner.

VIKAS SURI, J. (ORAL)

1. This revision petition under Article 227 of the Constitution of India is for issuance of directions to learned Principal Judge, Family Court, Hoshiarpur, to decide the petition filed under Sections 6(a) and 13 of Hindu Minorities and Guardianship Act, seeking custody of minor children, i.e. daughter and son aged about 12 and 10 years, respectively, in a time bound manner.
2. Learned counsel for the petitioner submits that the children are studying in a boarding school and respondent No.1-wife is residing abroad. The petition seeking custody of minor children was instituted on 10.12.2021 before the Additional Principal Judge, Family Court, Camp at Garhshankar and issues were framed vide order dated 01.07.2022. Thereafter, vide order dated 26.08.2022, the petition was transferred to Family Court, Hoshiarpur. The only grievance raised by the petitioner is qua delay in disposal of the



main petition.

3. I have heard learned counsel for the petitioner and perused the record with his able assistance.

4. It is not disputed that the petition was filed in December, 2021 and after issuance of notice and taking into consideration reply filed by the respondents, issues were framed vide order dated 01.07.2022. Perusal of the *zimni* orders collectively appended with the present petition as Annexure P-8 would show that despite having availed numerous opportunities the petitioner has not led any evidence as yet. It is further noticed that the petition is pending for nearly three years and is still at the stage of petitioner's evidence. On 23.07.2024, neither of the parties put in appearance before the Family Court and notice was ordered to be issued to their respective counsel for 22.10.2024.

5. Taking into consideration the conduct of the petitioner, it does not lie in his mouth to allege that the disposal of petition is being delayed unnecessarily. Moreover, the petitioner now seeks disposal of the main petition and thus, the application seeking interim custody pales into insignificance, which has been pending for over a year. However, keeping in view that the issues were framed on 01.07.2022 and till date, the petitioner has not led any evidence, the instant petition is disposed of with a direction to learned Principal Judge, Family Court, Hoshiarpur, to dispose of the petition expeditiously, in accordance with law. Both the parties be afforded at least three effective opportunities to conclude the evidence, commencing



from after the date already fixed before the learned Family Court.

- 6. The revision petition is disposed of in the aforesaid terms.
- 7. Pending applications, if any, also stand disposed of.

October 19, 2024
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(VIKAS SURI)
JUDGE

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