



CR-6136-2022 (O&M) & CR-661-2023 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.137

Date of Decision: 05.09.2024

1. CR-6136-2022 (O&M)

HIMANI

...Petitioner

Versus

VANITA RANI AND ANOTHER

....Respondents

2. CR-661-2023 (O&M)

VANITA RANI AND ANOTHER

... Petitioners

Versus

HIMANI AND ANOTHER

.... Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Akshay Bhan, Senior Advocate, assisted by
Mr. Rose Gupta, Ms. Hardeep Kaur, Mr. Rohit Nagpal, and
Ms. Garima Modi, Advocates
for the petitioners (in CR-6136-2022) and
for the respondents (in CR-661-2023).

Mr. S.K.Garg Narwana, Senior Advocate, assisted by
Mr. Vishal Garg Narwana and Mr. Nitin Sachdeva, Advocates
for the petitioners (in CR-661-2023) and
for the respondents (in CR-6136-2022).

ARCHANA PURI, J. (Oral)

These are the two rival petitions filed by the parties to the lis, to
assail the order dated 22.11.2022, passed by learned Trial Court, whereby



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the application for interim custody of the child, namely, Navik, was partly allowed.

CR-6136-2022 has been filed by the petitioner/mother, Himani and CR-661-2023 has been filed by the grandparents, namely, Vanita Rani and Rakesh Kumar Aggarwal.

As culled out from the paperbook, it is evident that Smt. Vanita Rani and Rakesh Kumar Aggarwal, grand parents, had filed petition under Section 25 of Guardians and Wards Act, for seeking custody of their grandson, namely, Navik, who is aged about 7 years and presently is in the custody of her natural mother, Himani.

Also, it is evident that Rohit Aggarwal s/o Rakesh Kumar Aggarwal, had unfortunately died during the Covid period and after his death, Himani, had left the matrimonial home, together with the son, Navik. Undisputedly, after leaving the matrimonial home, Himani, had performed remarriage with Anil Goyal and the minor son, born from her earlier marriage, is also residing in the new matrimonial home of Himani.

Thereafter, the petition for seeking custody of the minor son was filed by the paternal grand parents. During the pendency of the said petition, an application for grant of interim stay of minor child, Navik, was filed at the instance of the grand parents. However, the same was disposed of, vide order dated 22.11.2022, which is now under challenge.

Learned Trial Court considering the circumstances, as spelt out from the material coming on record, had though denied custody of the minor child to be shifted from mother to the grand parents, but during the pendency of the petition, had given the visitation rights to the grand parents, while



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considering the valuable relationship, which the children have with their grand parents. It was ordered by the court that the grandson, Navik, shall meet his grand parents on 2nd and 4th Sunday of every month, from 10:00 am to 06:00 pm. It was further ordered that one time, the grand parents shall visit Delhi at the residence of Himani and the other time, Himani will visit Hisar, at the residence of the grand parents, for the purposes of facilitating the meeting of the child with the grand parents.

Being aggrieved by the aforesaid order, both, grandparents i.e. Vanita Rani and Rakesh Kumar Aggarwal, as well as Himani, the natural mother of the child, namely, Navik, had filed separate revision petitions i.e. CR-6136-2022 and CR-661-2023.

In pursuance of notice issued, parties have made appearance through counsel in both the aforesaid revision petitions.

Learned counsel for the parties heard.

While making submissions before the court below, consensus was reached between the counsel, to not to disturb the custody of the minor child, during the pendency of the petition under the Guardians and Wards Act, before learned Trial Court. However, learned counsel representing the grand parents had pleaded that the visitation rights, may be continued during the pendency of the Guardianship petition, so as to facilitate the meeting of the child with the grand parents. The same was also acceptable to learned counsel representing the mother, Himani.

In view of the said consensus, though the interim custody part of the child is not to be considered any further and as held by the court below, only visitation rights are to be adjudicated.



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Considering the interest of the minor child, who is presently residing with his natural mother, Himani at Delhi, which is at a far off distance from Hisar, where the grandparents are residing, some modification is now made, with regard to the visitation rights, as agreed by learned counsel for the parties, which are as follow:

Now, Himani, who is the natural mother of Navik, shall facilitate the meeting of the child, with the grandparents in District Legal Services Authority Office, Sonipat, on every 1st and 3rd Saturday. However, the duration of time as granted, is bound to be very taxing for the minor child. As such, for the convenience of the minor child, now the meeting time shall be from 12:00 pm to 03:00 pm. Even, learned counsel for parties have agreed for the aforesaid duration of time. The aforesaid meeting shall be held in the Mediation Centre or in the office of District Legal Services Authority, Sonipat in the presence of Secretary, District Legal Services Authority and the talk may be facilitated through the Mediator, appointed in the case.

In the eventuality of there being holiday on 1st or 3rd Saturday, the meeting shall take place on the next working day.

The parties shall remain bound by the aforesaid terms of settlement, to facilitate the execution of the visitation rights.

The aforesaid order is passed, without prejudice to the rights of the parties to be adjudicated on merits, in the guardian petition, pending before learned Trial Court and the parties shall also be at liberty to raise all the pleas, which forms basis of the present revision petitions.



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Considering the nature of the controversy and watching the interest of the minor child, it is desired and expected of the trial Court to make an endeavor, to dispose of the case, preferably within a period of one year from today onwards.

Copy of this order be sent to learned Trial Court for necessary compliance and even to Secretary, District Legal Services Authority, Sonipat.

In view of the aforesaid terms, the present revision petitions are hereby disposed of.

05.09.2024
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(ARCHANA PURI)
JUDGE

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