



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

**CR-7203 of 2023 (O&M)
Decided on: 21.08.2024**

Shefali Goyal

...Petitioner

Versus

Ashish Jindal

...Respondent

CORAM: HON'BLE MRS JUSTICE RITU TAGORE

Present: Petitioner-Shefali Goyal, in person with
Mr. Parminder Singh, Advocate.

Respondent in person with
Mr. Shobit Phutela, Advocate.

RITU TAGORE, J.

1. This revision petition filed under Article 227 of the Constitution of India, is for setting aside order dated 10.11.2023 (Annexure P-9), whereby the application for interim custody of the minor child has been partly allowed.
2. While issuing notice of motion, this Court on 01.12.2023 passed the following order: -

“The instant revision petition has been filed under Article 227 of the Constitution of India for setting-aside the order dated 10.11.2023 (Annexure P-9) whereby the application for interim custody of the minor child has been partly allowed.

Notice of motion.

Mr. Shobit Phutela, Advocate along with Ms. Arushi Lamba, Advocate who are present in the Court accepts notice on behalf of the respondent and seeks some time to get instructions with regard to the direction contained in Para 14 (ii) of the impugned order.

Adjourned to 11.01.2024.”



3. Learned counsel for the petitioner (respondent before the learned Family Court, Camp office, Indri) contends that petitioner has no grievance with respect to the directions set forth in para 14(i) and (iii) in the impugned order dated 10.11.2023 and is complying with the directions contained in the order. However, learned counsel contends that, the respondent (petitioner before the learned Family Court), under the guise of the directions contained in sub para (ii) of para 14 of impugned order, unnecessary and repeated phone calls are being made by the respondent, even at odd hours, thereby privacy of the petitioner is being disturbed.

4. Further learned counsel submits that respondent under the pretext of compliance of the directions contained in sub para (iv) of para 14 of the impugned order, caused disturbance in the school of the minor, as such, school authorities asked the petitioner to remove the child from the school. A prayer is therefore made, on behalf of the petitioner by the learned counsel to set aside the directions contained in sub paras (ii) and (iv) of para 14 of the impugned order in the interest and welfare of the child.

5. Contra, learned counsel for the respondent (petitioner before the learned Family Court), vehemently denies the allegations, and submits that the petitioner is not complying with the directions contained in the impugned order. However, the learned counsel representing the respondent submits that the respondent has no objection, if the timings of the whats App call/video call as mentioned in Clause (ii) of para 14 of the impugned order are modified.

6. On being asked by this Court to give the detail of the incidents allegedly committed by the respondent before the school authorities or any written complaint made to her by the school authorities or the details of the repeated calls made by the respondent, the petitioner was unable to provide the

same. In the absence of any tangible evidence, this Court is not inclined to modify the directions contained in Clause (iv) of para 14 of the impugned order. Even otherwise, a non-custodial parent is entitled to oversee his child’s academic or extracurricular activities and progress in different fields by participating in monthly parents- teacher meeting or any other events involving the child. Such participation is undoubtedly in the best interest of the child, as the parent can provide necessary input for any improvement needed in the child’s academic performance or extracurricular activities. Certainly, the parent is required to maintain the necessary discipline in such meetings.

7. Since respondent has recorded his no objection if modification is made in Clause (ii) of para 14 as to the timings of making video call/whats App call. Accordingly, this petition is disposed of with modification in the impugned order regarding Clause (ii) of para 14 to the extent that the petitioner is allowed to interact with the minor child through whats App call/video call on Monday, Wednesday and Friday from 6 to 6:30 pm for ten months only. Petitioner is further directed not to disturb the petitioner-mother (respondent before the learned trial Court) by repeatedly making the calls to her; except during the slot period from 6 to 6:30 pm on the schedule dates. All the other conditions set forth in the impugned order shall remain intact.

8. Pending applications, if any, also stands disposed of accordingly.

21.08.2024		(RITU TAGORE)
Rimpal		JUDGE
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No