

2025:PHHC:043218-DB



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

FAO-1757-2025 (O&M)

Date of decision: 27.03.2025

RANJEET SINGH

...Appellant

Versus

JAGROOP KAUR & ANR

...Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

Present:- Mr. Bishan Dass Rana, Advocate for appellant.

SUDHIR SINGH, J.

Challenge in the present appeal is to the order dated 19.11.2024 passed by the learned Additional Principal Judge, Family Court-II, Jalandhar (for short 'the Family Court'), whereby an application under Section 12 of the Guardians and Wards Act, 1890 (for short 'the Act'), for providing the meeting rights and interim custody of the minor, has been disposed of and the appellant has been granted right to meet the minor child on the 1st and 3rd Saturday of every month at the ADR Center of Jalandhar from 3:00 PM to 4:00 PM and further allowing him to meet the minor child on daily basis for one hour through video call virtually.

2. In the petition under Sections 7 and 25 of the Act, filed by the appellant, he had also moved an application under Section 12

of the Act regarding interim custody of the minor and further providing him the visiting/meeting rights. It was alleged that the minor child namely, Ravkaran Singh, was born on 23.11.2016 and he had been taken away from his custody against his wishes by the respondent. It was further the case of the appellant that him being the father and the natural guardian of the minor, was entitled to the custody of the minor child, but the respondent was not allowing him to either meet the said child or visit him.

3. The said application was contested by the respondent admitting the factum of birth of the minor and him residing with the respondent. It was further alleged that the parties started living separately since 23.09.2016 and the minor was born thereafter. It was further pointed out that earlier the appellant had moved a similar application for electronic visitation rights (by video call) at Family Court, Gurdaspur, but the said application was dismissed on 09.05.2020. It is further submitted that the said order was not challenged by the appellant before the Appellate Court and the said fact was concealed by him. Still further, it was pointed out that the child was of the tender age and he would not be comfortable in the company of his father and that uprooting the minor child from the company of his mother to an atmosphere which will affect his growth, would not be conducive for his upbringing.

4. The learned Family Court after hearing the rival contentions of the parties, partly allowed the application, as noticed above.

5. Learned counsel for the appellant has vehemently argued that in view of the decree of divorce dated 04.12.2018, obtained by mutual consent, the custody of the minor child was to remain with the respondent and she had also assured the appellant that he would be allowed to meet the child whenever he want to do so. It is further argued that the respondent did not allow the appellant to meet child and the learned Family Court instead to granting visitation rights on 1st and 3 rd Saturday of every month at the ADR Center of Jalandhar from 3:00 PM to 4:00 PM and further allowing him to meet the minor child on daily basis for one hour through video call virtually, ought to have granted him the interim custody of the minor child or visiting rights on daily basis. Accordingly, a prayer has been made for modifying the impugned order.

6. We have heard the learned counsel for the appellant and have also gone through the impugned order.

7. The only question that arises for consideration by this Court is whether the impugned order passed by learned Family Court, requires any interference.

8. The learned Family Court by way of the impugned order has decided the application for interim custody of the minor child. The main petition is still pending for adjudication. The learned Family Court, has concluded that till the final decision of the custody petition, the custody of the minor shall remain with the respondent-mother. The relevant extract from the impugned order is reproduced as under:

“14. XX XX XX

Accordingly, this Court deems appropriate that till the final decision, the custody of the minor shall remain with the respondent No.1. However I also deem it appropriate to allow the petitioner to meet his child so that the child does not get disconnected emotionally and personally with his natural father and so as to ensure that the father-child emotionally bonding with each other does not get affected due to acrimonious relationship between the petitioner and respondent No.1. So the petitioner is given the right to meet the minor child on the 1st & 3rd Saturday of every month at the ADR Center of Jalandhar from 3:00 PM to 4:00 PM and respondent is directed to produce the child on the 1st & 3rd Saturday of every month at the ADR Center from 3:00 PM to 4:00 PM.

I do not deem it appropriate to allow the petitioner to meet the minor son on daily basis for one hour through video call virtually at this stage as it would hamper the studies of the minor child and would also result in disturbing his daily schedule. Application stands partly allowed accordingly.”

9. We find that the impugned order does not suffer from any patent illegality or perversity. The appellant has been granted

visiting rights. The argument of the learned counsel for the appellant that he should be granted such visitation rights on daily basis is not tenable in view of the fact that the same would neither be conducive nor feasible particularly when, the child has been residing with the mother for a long time. It may be noticed that the appellant may provide all the basic necessities and his love, care and affection to the minor child during his meetings with him as per the visitation rights granted by the learned Family Court.

10. No other point has been urged.
11. In view of the above, we do not find any merit in the present appeal and the same is hereby, dismissed.
12. Pending application(s), if any, shall also stand disposed of.

[SUDHIR SINGH]
JUDGE

[SUKHVINDER KAUR]
JUDGE

27.03.2025
Himanshu

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