



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

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FAO-1918-2025

Date of decision: 27.03.2025

Charu Ahuja**....Appellant****Versus****Manik Ahuja****...Respondent**

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

Present : Mr. Tanmoy Gupta, Advocate for the appellant.

SUDHIR SINGH. J.

1. Challenge in the present appeal is to the order dated 13.03.2025, passed by the learned Principle Judge, Family Court, Gurugram, whereby an application under Section 151 of CPC filed by the appellant for interim custody of the minor child was declined. However, it was directed that the visitation rights granted to her vide order dated 24.12.2024 shall continue till further orders.

2. In a petition under Section 25 of the Guardians and Wards Act, 1890 (for short the Act) filed by the appellant, she had also filed the aforesaid application for the interim custody of the minor child of the parties. It was asserted by her that the minor child, aged 11 years, was studying in GD Goenka Signature School, Badshahpur, Sohna Road, Haryana. It was further asserted that the minor shared emotional bond with the appellant being his mother. While referring to the order dated 27.12.2024 passed by this Court in CR-7595-2024, it was pleaded by her that the custody of the child was required to be handed over to her. It was further pointed out that the respondent was a short tempered man and



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habitual in bursting out in exasperation.

3. The aforesaid application was contested by the respondent (father of the minor child) pointing out therein that the custody of the minor child was declined by the Court on 24.12.2024. She was already having visitation rights as granted to her vide order dated 24.12.2024. It was further pointed out that the appellant was habitual in filing one after the other application for the same purpose. Accordingly, a prayer was made for dismissal of the said application.

4. The learned Family Court, after considering the rival contentions of the parties and further taking into consideration the factum of passing of the order dated 24.12.2024, dismissed the said application, as noticed above.

5. Learned counsel for the appellant has vehemently submitted that the appellant being the mother of the child, is required to be restored the custody of the minor child. It is further submitted that there cannot be any substitute to the motherly love and, therefore, she being the natural guardian should be allowed the custody of the minor child for his overall growth. While referring to the order dated 27.12.2024, passed in CR-7595-2024 by the learned Single Judge of this Court, it is argued that while deciding the application for interim custody, the learned Family Court has totally ignored the fact that being mother, she requires the care and custody of the child.

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

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

8. It may be noticed that earlier vide order dated 31.01.2025, while



Hence, taking in view the facts and circumstances as well as birthday of the child, the respondent is directed to handover the child to the applicant-petitioner on 01.02.2025 at 12:30 pm. The child shall remain be in the custody of the mother-petitioner upto 10:00 am of 02.02.2025. The respondent is directed to comply the order. She shall handover back the child at 10:00 am on 02.02.2025 to the respondent. Accordingly, the application in hand stands partly allowed.

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xxx xxx xxx''

10. Keeping in view the fact that earlier also, similar application filed by



the appellant was dismissed and further taking into consideration that the appellant had already been granted the visitation rights *qua* the minor child, we do not find any illegality or perversity in the impugned order passed by the learned Family Court. It is relevant to note here that the main petition for custody is yet to be decided by the learned Family Court. Therefore, no indulgence is required to be granted to the appellant.

11. In view of the above, finding no merit in the appeal, the same is dismissed.
12. However, the appellant-wife will be at liberty to move an appropriate application for visiting rights or the extension thereof, as the case may be, before the learned Family Court.
13. Pending application(s), if any, shall also stand disposed of.

(SUDHIR SINGH)
JUDGE

(SUKHVINDER KAUR)
JUDGE

27.03.2025
Amandeep

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