

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

125

2025:PHHC:080028-DB



FAO-2883-2025 (O&M)
Date of decision: 07.07.2025

RAVINDER

..Appellant

Versus

NEELAM

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MS. JUSTICE ROHIT KAPOOR

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

* * * *

ANIL KSHETARPAL, J. (Oral)

1. Through this appeal, the appellant assails the correctness of order passed on 31.08.2024, by the Family Court while dismissing his petition under Section 8 of the Hindu Minority and Guardianship Act, 1956. The appellant prays for custody of his minor daughter Divya, who was born on 14.11.2013. From perusal of the impugned judgment, it is evident that on 17.03.2022 as well as on 29.08.2024, the Family Court interacted with the child. On 29.08.2024, the Family Court recorded the following order:-

“The court made interaction with the minor child namely Divya. She told that she is student of 6th class. She knows the complete fact that her father is residing separately from them for the reason that her father has married with another women and has been blessed with two children. She told this fact to this court with confident so the court has shown some photographs available on file. She has addressed her father in photograph Ex. R10 and she has addressed the woman as another woman, residing with father. She has recognized herself in photograph Ex. R9 but the girl available with father is daughter from another woman.

She also identified her father and other woman in Ex.R4. She also told that her father, is now trying to give gifts for the last 1-2 months. He is also making calls from the last some months and has made



calls to her 4-5 times in these months but she complained that he usually wastes her time by talking at least 20-30 minutes. She is not ready to accept her father in that house, neither she wanted to go with her father. She also made a complain that when her father resided with them, then he used to cry on her and used to beat her mother. When the court asked her that her father is a rich person and her mother has filed a petition for maintenance allowance even then she is stated that she does not want to go with her father. She made complaint that this is the only reason that since her father is married with another women who is blessed with two children, so she does not want to go to her father. She has also met with those two children of her father with that woman. Her father has taken her some time secretly to get her meet with those two children but she does not like those two children, though both addressed her as ‘didi’. So overall conclusion of this minor girl is that she does not want to live her father and she does not want to leave her mother. She also put more stress to live with her mother and not to live with her father. Interaction is complete.”

- 2. It has also come on record that the appellant has solemnized second marriage with one Kavita and from the second marriage, he has two children.
- 3. On 17.03.2022, the child made the statement that he is living happily with her mother and she is not interested in living with her father.
- 4. Keeping in view the aforesaid findings of fact, this Court does not find it appropriate to interfere.
- 5. Dismissed.
- 6. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

(ROHIT KAPOOR)
JUDGE

July 07th, 2025

Ayub

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No