



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

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FAO-6042-2023 (O&M)

Date of Decision: 27.05.2025

Sarabjeet Kaur

....Appellant

Versus

Shivdeep Kumar

....Respondent

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Bhavesh Aggarwal, Advocate
for the appellant.

Mr. Kushagra Mahajan, Advocate
for the respondent.

Anil Kshetarpal, J. (Oral)

1. At one stage, the parties filed a petition under Section 13B of the Hindu Marriage Act for decree of divorce by way of mutual consent. Statement of the parties, at the time of first motion, was recorded on 13.12.2022. As per settlement, the custody of a child remained with the father (respondent). Subsequently, the appellant returned the amount of Rs.4 lakh and withdrew her consent resulting in dismissal of the petition under Section 13B of the Hindu Marriage Act. At the time of hearing before the Family Court, the child was produced for meeting, but on meeting the appellant the child stated crying in the Court. Hence, the custody of a child was handed over back to the husband, while granting liberty to the appellant to file appropriate petition for custody of a minor child.

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2. Learned counsel representing the appellant submits that the custody of the child was with the appellant and in terms of settlement, the custody was handed over to the respondent, which should have been restored to the appellant. On a Court question, learned counsel representing the appellant admits that there is no material evidence to this effect on the record.

3. The Family Court has already granted liberty to the petitioner to avail appropriate remedy for the custody of a minor child. Accordingly, this appeal is disposed of with the observations that if such a petition is filed, the guardian Court shall make sincere endeavors for its disposal preferably within a period of six months.

4. Disposed of.

5. All the pending miscellaneous applications, if any, shall also stand disposed of.

(ANIL KSHETARPAL)
JUDGE

(VIKAS SURI)
JUDGE

May 27, 2025
Varinder

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No