



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

**CM No.10257-CII of 2026 in/and
CR No.1771 of 2026 (O&M)
Date of Decision:-22.05.2026**

Manpreet Singh

.....Petitioner.

Versus

Harjit Kaur

.....Respondent.

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present:- Mr. Navmohit Singh, Advocate
for the applicant-petitioner.

Mr. Ramandeep Sharma, Advocate
for the non-applicant/respondent.

VIKRAM AGGARWAL, J. (ORAL)

CM-10257-CII-2026

With the consent of learned counsel for the parties, the present application is allowed and hearing in the revision petition is preponed from 28.07.2026 to today.

CR-1771-2026

The instant revision petition, preferred under Article 227 of the Constitution of India, assails order dated 22.01.2026 (Annexure P-4) passed by the Court of Additional Principal Judge, Family Court, Camp Court, Samana, vide which the application moved by the petitioner under Order VII Rule 11 of the Code of Civil Procedure, 1908 (hereinafter

referred to as the 'CPC') for rejection of the plaint was dismissed.

2. The respondent filed a petition under Section 25 of the Guardians and Wards Act, 1890 (Annexure P-1) seeking custody of the minor male child, aged about 06 years, who is presently in the custody of the present petitioner.

3. During the pendency of the said petition, an application under Order VII Rule 11 CPC (Annexure P-2) was filed primarily on the ground that the Court had no territorial jurisdiction to deal with the issue as the minor child was living with the petitioner at Village Siwan, District Kaithal. The said application was opposed by way of a reply (Annexure P-3).

4. By way of the impugned order dated 22.01.2026, the said application was dismissed leading to the filing of the instant revision petition.

5. I have heard learned counsel for the parties.

6. On a query having been put by the Court as to how the application under Order VII Rule 11 CPC was moved instead of an application under Order VII Rule 10 CPC, learned counsel for the petitioner fairly submits that he does not press the instant petition on merits and prays for the issuance of a direction to the Court concerned to expedite the trial in the petition as also the decision on the preliminary issue.

7. Learned counsel for the respondent, on the other hand, submits that he would have no objection if such a direction is issued.

8. Having considered the submissions made by learned counsel

for the parties, this Court does not find any illegality in the order though it has been passed in an application under Order VII Rule 11 CPC whereas it should have been passed in an application under Order VII Rule 10 CPC.

9. Be that as it may, the concern of the parties seems to be expeditious disposal of the petition which seeks custody of the minor child. That, in any case, is the bounden duty of every Court to ensure.

10. Without delving further into the matter, the instant revision petition is disposed of with a direction to the Court concerned to make earnest efforts to expeditiously dispose of the petition and the preliminary issue as well, keeping in view the interests of the parties and that of the minor child. Efforts be made to decide the preliminary issue within a period of three months from the date of receipt of a certified copy of this order.

Pending application(s), if any, shall also stand disposed of.

May 22, 2026
Yag Dutt

(VIKRAM AGGARWAL)
JUDGE

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