

**Sr. No.122****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CR-1536-2022 (O&M)****Date of decision: 01st April 2026****RENU KHOSLA AND ANOTHER****.....Petitioners****versus****KAVERI SURYA KHANNA AND ANOTHER****.....Respondents****CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Kartik Gupta, Advocate
for the petitioners.

Mr. Manoj Sharma, Advocate for
Mr. Rajinder Goel, Advocate
for the respondents.

HARPREET KAUR JEEWAN, J. (ORAL)

1. This case is an example of a frivolous litigation dragging the issue of custody of a minor child to this Court to stall the proceedings before the Family Court, where, the issue of depriving a minor child from the custody of his mother is concerned.

2. The petitioners have approached this Court by invoking the provisions under Article 227 of the Constitution of India, praying for setting aside of the impugned order dated 04.02.2022 (Annexure P-8), passed by the Family Court, Karnal, whereby, on the basis of the statement of the respondent (petitioner before the Family Court), the petitioners (respondents No.2 and 3 before the Family Court) were given up and the respondent (petitioner before the Family Court) did not press the application for interim custody of the child. However, her right to file fresh application, if so required, was reserved.



3. Learned counsel for the petitioners contends that initially, the respondent/daughter-in-law has impleaded the petitioners as party to the custody matter but the objection of jurisdiction was taken, therefore, by making a statement, their names were got deleted, as such, the order is perverse. It is further contended that as per the order dated 25.05.2023, learned counsel for respondent No.1 has given no objection if the petitioner wants to join the proceedings before the trial Court.

4. *Per contra*, learned counsel for the respondents contends that the respondents did not want to pursue against the present petitioners, as such, they made this statement before the Family Court. It is further contended that the child is not in custody of the petitioners. The child is residing in U.S.A. along with the father, as such, only the father is the proper party and the respondents want to pursue the petition only against the father.

5. I have considered the aforesaid submissions and perused the paper book.

6. As per the facts, the respondent-mother filed a petition under Section 25, 7 and 10 of the Guardian and Wards Act read with Section 13 of Minority and Guardianship Act, alleging that her marriage was solemnized with respondent-Vivek Khosla in 2015 at Karnal. The parties lived together and after some time, they shifted to U.S.A., where a child was born on 24.10.2017, who is now living with his father.

7. The respondent-mother has claimed the custody of the minor child by filing the aforesaid petition initially impleading the father and grand-parents of the child. Written statement (Annexure P-6) on behalf of the petitioners (respondents No.2 and 3 before the Family Court) was filed.



8. On 04.02.2022, the Family Court, Karnal, passed the following order:-

“Receipt of Legal Aid, written-statement and reply to the application for interim custody filed by respondents No.2 & 3. Copies given.

2. At this stage, learned counsel for the petitioner has made a separate statement in writing that he gives up respondents No.2 & 3 as being unnecessary since the minor child-Advitya is living in the care and custody of his father/respondent No.1 in USA and respondents No.2 & 3 are residing at Kapurthala (Punjab). Since the child is not in India, at this stage, he also does not press the application for interim custody and reserves the right of the petitioner to file a fresh application, if required.

In view of the above statement, the respondents No.2 & 3 are deemed to be given up as being unnecessary and the application for interim custody is disposed. The petitioner shall be at liberty to file a fresh application, if required, as per law.

3. To come up for ex parte evidence of the petitioner to be brought at her own responsibility on 25.03.2022.”

9. The petitioners (respondents No.2 and 3 in before the Family Court) have filed the present petition assailing the aforesaid order.

10. It is not disputed that the petitioners are not having the custody of the child, as such, the petitioners are not necessary party to the present petition filed by the respondent-mother. The petitioners before the Family Court cannot be forced to have litigation against the present petitioners. In view of such circumstances, there is nothing perverse in the order passed by the Family Court.

11. So far as the question of jurisdiction is concerned, the Family Court would consider the matter on merits. The jurisdiction under Article



227 of the Constitution of Indian cannot be invoked to such kind of frivolous litigations, especially, where the future of a minor child is concerned. The proceedings cannot be delayed since the child is minor and presently the mother is not having the custody or visitation rights of the minor child.

12. Consequently, the present petition stands **dismissed**. The trial Court is directed to expedite the proceedings and decide the petition within a period of six months from today.

13. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

01st April 2026
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No