

FAO-5682-2025 (O&M)

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

114

CM-19691-CII-2025 in/&
FAO-5682-2025 (O&M)
Date of Decision :24.09.2025

Kamaljit Kaur

...Appellant

Versus

Dalip Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MRS. JUSTICE RAMESH KUMARI

Present: Mr. Ravi Chadda, Advocate for the appellant.

* * *

*Harsimran Singh Sethi, J. (Oral)*CM-19691-CII-2025

1. Present application has been filed for condonation of delay of 119 days in filing the present appeal.
2. Keeping in view the averments made in the application, which are duly supported by an affidavit, the application is allowed. Delay of 119 days in filing the present appeal is condoned.

FAO-5682-2025

3. In the present appeal, the challenge is to the order dated 17.02.2025 passed by the Principal Judge, Family Court, Hoshiarpur Camp Court at Dasuya (in short, 'Family Court') by which, the custody of the minor 'SS' as described in the order, being sought by the appellant herein, has been declined to the appellant i.e. the paternal grandmother.
4. Learned counsel for the appellant argues that the appellant-paternal grandmother is in a better position to take care of the minor child 'SS' as compared to the respondents-maternal grandparents.



5. Learned counsel for the appellant further argues that son of the appellant is living in America and in case situation arises, he can take minor 'SS' along with minor 'MS', who is already living with paternal grandmother, to America and, therefore, the custody of minor 'SS' should be handed over to the appellant.

6. Learned counsel for the appellant submits that the appellant is financially more sound as compared to the respondent-maternal grandparents, who are presently taking care of the minor 'SS'.

7. We have heard learned counsel for the appellant and have gone through the record with his able assistance.

8. Facts of the case are that both parents of 'MS' and 'SS' are unfortunately died. 'MS' is under care and custody of paternal grandmother whereas, 'SS' is under care and custody of maternal grandparents.

9. The question which arises is, whether on the basis of the grounds mentioned, the custody of minor 'SS' is to be given to the appellant or the impugned order dated 17.02.2025 passed by the Family Court denying the said relief to the appellant, is valid.

10. A bare perusal of the impugned order passed by the Family Court shows that both the minors 'SS' and 'MS' interacted with the Family Court before the impugned order was passed. The said interaction was undertaken by way of in-camera proceedings and a finding has been recorded by the Family Court that both the minor children are happy with their respective guardian as of now. Once, the said finding has been recorded by the Family Court along with the finding that in case either of the minor is separated from the respective guardian, it will impact their personality, the decision taken by the Family Court needs to be respected.

11. Qua the argument of the learned counsel for the appellant that the son of the appellant is settled in America and in case needed, he can also take minor 'SS' to America, it may be noticed that merely that the son of the appellant is settled in America would not ensure better life for minor 'SS' keeping in view the care being provided to the minor 'SS' by the maternal grandparents. A finding has also been recorded by the Family Court that both the minor children are studying in the same school and both are happy keeping in view the facilities being provided to them by their respective grandparents hence, merely that the son of the appellant is settled in America and in case needed, he can also take minor 'SS' to America, is no ground to hand over the custody of minor 'SS' to the appellant-paternal grandmother.

12. The last argument which has been raised by learned counsel for the appellant is that the financial position of the appellant-paternal grandmother is more sound as compared to the respondents-maternal grandparents.

13. It may be noticed that in the impugned order passed by the Family Court, it has already come on record that adequate care of minor 'SS' is being taken by maternal grandparents and the child is happy with his maternal grandparents. Further, both the children are studying in the same school and are being properly looked after. The maternal grandparents are fully capable of meeting the needs of minor 'SS' in a manner required. The mere fact that the appellant is financially better placed than respondents-maternal grandparents does not by itself, confer right upon appellant to claim the custody of the minor 'SS'.

14. Keeping in view the facts and circumstances recorded hereinbefore, no ground for interference in the order of family Court by this



FAO-5682-2025 (O&M)

-4-

Court is made out and the present appeal is accordingly dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

September 24, 2025

(RAMESH KUMARI)
JUDGE

aarti

Whether speaking/reasoned : Yes

Whether reportable : No