



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

**CR-3406-2025**

**Date of decision : 09.07.2025**

**Pavitar Singh and another**

**...Petitioners**

**Vs.**

**Amandeep Kaur and another**

**...Respondents**

**CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL**

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

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**ANIL KSHETARPAL, J.** (Oral)

1. Petitioners before this Court are paternal uncle and aunt of Gursirat Kaur aged about 03 years. Unfortunately, Gursirat Kaur lost her father on 13.07.2023, as he allegedly committed suicide. The biological mother of Gursirat Kaur filed an application seeking her custody. The application for interim custody was also filed, which has been allowed by the Court on 20.05.2025. The correctness of the aforesaid order is assailed in the present revision petition on the following grounds:-

- I. The mother of the child is facing prosecution in an FIR under Section 306 of the Indian Penal Code.
- II. Financial position of the petitioners enable them to properly take care of the child.
- III. There was a Panchayati compromise between the parents of the child, wherein, the respondent gave custody of the child to Sh. Jai Singh, father of Gursirat Kaur.



2. This Court has considered the submission made by the learned counsel representing the petitioners.

3. As far as the pendency of criminal case is concerned, it would be noticed that the allegations against the respondent are yet to be proved. The respondent is the biological mother of the child, who is barely 03 years old. She needs care and custody of her mother. Moreover, only interim custody has been ordered.

4. Similarly, financial capability of the petitioners as compared to the mother should not play a significant role, particularly, when the child requires emotional and psychological care at such tender age. In any case, the respondent is the natural guardian.

5. The last submission also lacks substance because the settlement, if any, was between the respondent and her husband and petitioners cannot take benefit thereof.

6. Learned counsel representing the petitioners submits that the process of handing over the custody of the child should be in a gradual manner in order to give opportunity to the child for settling in the new environment.

7. There appears to be some substance in the aforesaid submission. While disposing of the revision petition, the Presiding Judge of the Family Court is requested to take all possible steps for smooth handing over the custody in a gradual manner.

8. With these observations, the revision petition is disposed of.

**(ANIL KSHETARPAL)**  
**JUDGE**

**09.07.2025**

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Whether speaking/reasoned :  
Whether Reportable :

Yes  
Yes

No  
No