



FAO-4350-2025 (O&amp;M)

1

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

287

FAO-4350-2025 (O&M)  
Date of Decision:30.07.2025

Nirmala

....Petitioner

Versus

Kulwant Singh

.....Respondents

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL  
HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA  
\*\*\*\***

Present: Mr. Saurabh Dalal, Advocate,  
for the appellant.

Mr. Sardavinder Goyal, Advocate,  
for the respondent (through VC).

\*\*\*\*

**GURVINDER SINGH GILL, J. (Oral)**

1. The appellant herein assails order dated 27.05.2025, vide which the Family Court, Rohtak had accepted the petition under Section 25 of the Guardian & Wards Act filed by the respondent (father of the minor child) and has directed that the custody of the same be handed to the respondent. The appellant herein is the maternal grand-mother of the child. The mother of the minor child is stated to have already expired.
2. Learned counsel for the appellant while assailing the impugned judgment has broadly raised the following three submissions:-



- i) that it has been six years that the minor has been residing with the appellant and by now has formed an inseparable bond;
  - ii) that even the minor child does not wish to reside with the father and prefers to reside with the appellant; and
  - iii) that the custody of the minor child had voluntarily been handed over by the respondent to the appellant upon expiry of his wife for that the respondent had in fact been accused of murdering his wife although upon investigation the allegations were found to be false and a cancellation report was filed.
3. We have heard learned counsel for the appellant and also considered the submissions as noticed above.
  4. It is settled law that the respondent being the natural father of the minor child would have a preferential right as against the appellant, who is the maternal grand-mother of the minor child. There is nothing on record to show that the respondent is not possessed of sufficient means to raise the child or has any vices which could be detrimental for mental and physical growth of the minor child. Even though, it can be accepted that at some stage the respondent may have voluntarily chosen to hand over the custody of the minor child to the maternal grand-mother of the child particularly in view of the fact that the child had lost his mother but the said factum *ipso facto* cannot be treated to infer that the respondent had given up his right to claim custody of the minor.



**FAO-4350-2025 (O&M)**

**3**

5. Under the given circumstances, even the wish of the child cannot prevail so as to negate the claim of the respondent, who is none else, but natural father of the child and there is nothing on record to disentitle him of his right to claim the custody of the minor child.
6. In view of the discussion made above, we do not find any infirmity in the impugned judgment and the same is upheld. The appeal is sans merit and is hereby dismissed.

**(GURVINDER SINGH GILL)**  
**JUDGE**

**(DEEPINDER SINGH NALWA)**  
**JUDGE**

**July 30 , 2025**

dinesh

Whether speaking : Yes/No

Whether reportable : Yes/No