



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

(127)

CR No.154 of 2025

Date of Decision: 14.01.2025

Pooja Gulleria

...Petitioner

Vs

Harjeet Singh

...Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Ms. Sehej Sandhawalia, Advocate
for the petitioner.

VIKRAM AGGARWAL, J (ORAL)

1. The petitioner has preferred the present revision petition under Article 227 of the Constitution of India seeking a direction to the Court of learned Principal Judge, Family Court, SAS Nagar for expeditious and time bound disposal of the application filed by the petitioner for interim custody of her minor child.

2. The facts, as emanating from the petition, are that marriage between the parties was solemnized on 14.11.2013 after which the parties started residing in their matrimonial home at Mohali. A female child was born from the wedlock on 12.10.2016. It has been averred in the petition that on 14.04.2023, the petitioner was thrown out of her matrimonial home by the respondent-husband and she was not permitted to take her minor daughter with her. There are allegations of maltreatment levelled in the petition. A petition under Section 9 of the Hindu Marriage Act was filed by the petitioner but was later withdrawn on 14.09.2024 (Annexure P-1). Thereafter, a petition under Section 7/8/10/12 of the Guardian and Wards

Act, 1890 (for short 'the Act') was filed by the petitioner on 06.02.2024 claiming the custody of the minor child. Along with the said petition, an application under Section 12 of the Act was also filed for the grant of interim custody and visitation rights. It has been averred in the petition that the said petition along with the application for grant of interim custody is pending since February 2024 in the Family Court at SAS Nagar and even as regards interim custody and visitation rights, no order has been passed, thereby depriving the petitioner of the company of her minor daughter.

3. I have heard learned counsel for the petitioner.

4. Learned counsel for the petitioner submits that the interlocutory orders (Annexures P-4 to P-12, P-14 and P-16) show that there is a deliberate attempt on the part of the respondent to delay the proceedings. She submits that a direction be issued to the Court concerned for expeditious and time bound disposal of the application filed by the petitioner for interim custody of the minor child. She submits that the case is now listed before the said Court on 11.02.2025 and pleadings have been completed.

5. I have considered the submissions made by learned counsel for the petitioner.

6. This Court is conscious of the fact that there is heavy pendency of cases before the Courts. At the same time, important rights of the parties cannot also be ignored. The petitioner is the mother of the minor child and has not been able to meet the eight years old child even once in the last almost one year. Pleadings in the main petition as also in the application for interim custody are stated to have been completed. It is understandable that the main petition would take some time before the same is decided. However, in so far as the application for interim custody is concerned, there

does not appear to be any impediment in its decision apart from attempts to delay the matter at the hands of the respondent.

Keeping in view the totality of the facts and circumstances as have been pointed out by learned counsel for the petitioner and on perusal of the interlocutory orders, the present revision petition is disposed of with a direction to the Family Court, SAS Nagar where the petition is pending to make efforts to hear and decide the application for interim custody on the date fixed i.e., 11.02.2025 or at best, if for any reasons, the same is not possible, on any subsequent short date as per the convenience of the Court.

(VIKRAM AGGARWAL)
JUDGE

January 14, 2025

Rekha

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No