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

(115)

FAO-5410-2025

Date of Decision : September 09, 2025

Rahul Gaur

.. Appellant

Versus

Uma Rani

.. Respondent

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Dixit Garg, Advocate, for the appellant.
(joined through VC)

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present appeal, the challenge is to the order dated 02.05.2025 passed by the Principal Judge, Family Court, Nuh by virtue of which, the application filed by the appellant under Section 6 of the Hindu Minority and Guardianship Act, 1956 for the custody of the minor child, has been dismissed.

2. Learned counsel for the appellant submits that even if the custody has not been granted to the appellant but visitation right should have been given, which fact has not been considered by the Family Court while passing the impugned order.

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

4. Certain facts have been conceded by the learned counsel for the appellant while addressing the arguments that the minor was abducted by the appellant and the custody of the minor was taken back through the police



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help. Further, the child declined to go with the father and finding of the Court is that the minor was very scared of the father. Hence, keeping in view the best interest of minor, the appellant is considered to be unfit for the grant of visitation rights.

5. Once, the said facts have been considered while declining the custody of the minor to the appellant, the same are good enough even to deny the visitation rights as the finding has been recorded that the child has suffered trauma of his abduction at the hands of the appellant and does not want to see the father.

6. The said findings have not been rebutted by the learned counsel for the appellant so as to secure any order from this Court.

7. No other argument has been raised.

8. Hence, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

9. Though, the present appeal is being dismissed but liberty is granted to the appellant that he can file an application for visitation rights at a later stage when the child becomes normal and is out of trauma and the child also wishes to have the company of his father. The said application can be filed after a period of six months.

(HARSIMRAN SINGH SETHI)
JUDGE

September 09, 2025

harsha

(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No