



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

(126)

CR-5477-2025

Date of Decision:-18.08.2025

Hariom @ Harsh

.....Petitioner

Versus

Smt. Neetu Bhan

.....Respondent

**CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH  
GREWAL**

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Present: Mr. Gaurav Gupta, Advocate,  
for the petitioner.

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**AMARINDER SINGH GREWAL, J. (Oral)**

The present Civil Revision has been filed under *Article 227 of the Constitution of India, 1950 read with Section 115 of the Code of Civil Procedure, 1908* for setting aside the impugned order dated 04.08.2025 (Annexure P-1) passed by the learned Additional Principal Judge, Family Court, Faridabad, in Execution Petition No.159 of 2025 (arising out of judgment dated 18.02.2025), titled *Smt. Neetu Bhan vs. Hariom @ Harsh*, whereby the petitioner/judgment debtor was directed to hand over the custody of the minor child, Ansh, to the decree-holder/respondent and also directed the SHO, Police Station Chhainsa, to execute the judgment dated 18.02.2025 and hand over the custody of minor son to the respondent.

2. Learned counsel for the petitioner submits that the respondent-wife had filed a petition under *Section 25 of the Guardians and Wards Act*,

1890 seeking appointment as guardian and custody of minor child Ansh (aged about 12 years). The said petition was allowed vide judgment dated 18.02.2025 by the learned Family Court. In that petition, the present petitioner was proceeded against *ex parte* and consequently, the decree was passed directing him to hand over custody of the child within one month. The relevant portion of the judgment dated 18.02.2025 reads as under:

*“Keeping in view the principle laid down in authority (supra) and above discussion this Court is of the considered view that petitioner being the mother of minor child Ansh (aged about 12 years) is entitled to custody of minor child. Thus in view of abovesaid discussion, petition deserves to be allowed and is hereby allowed exparte, with no order as to costs. The custody of child-Ansh is hereby given to the mother/petitioner. Respondent is directed to hand over the custody of the child-Ansh within one month from today. Also a copy of this judgment, free of costs, be sent to the respondent through registered post at the expenses of the Government. Memo of costs be prepared accordingly and file be consigned to records.”*

3. Today, learned counsel for the petitioner contends that since the petitioner was proceeded against *ex parte*, he has not been afforded an opportunity to contest the matter. He prays for one opportunity to contest the petition before the learned Family Court and further seeks stay of the impugned order.

4. I have heard learned counsel for the petitioner at length and perused the paper book.

5. This Court finds no merit in the submissions advanced due to the fact that notice in the guardianship petition was duly served upon the petitioner, yet he chose not to appear before the Court and was rightly proceeded against *ex parte* vide order dated 15.04.2024. The petitioner, having failed to avail of the opportunity before the trial Court, cannot now be permitted to assail the decree by way of this revision. Since, the petitioner himself is wrongdoer and therefore, no opportunity can be granted to contest the case and the plea appears to be an attempt to delay and obstruct the lawful custody of the minor child.

6. Consequently, this Court finds no illegality or infirmity in the judgment dated 18.02.2025 or the impugned execution order dated 04.08.2025 passed by the learned Family Court. Accordingly, the present revision petition is dismissed.

7. Pending application(s), if any, also stand disposed of.

**(AMARINDER SINGH GREWAL)**  
**JUDGE**

**18.08.2025**  
*Shubham*

Whether speaking/reasoned:- Yes/No  
Whether Reportable:- Yes/No