

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****138****CR-2011-2025(O&M)****Date of decision: 01.04.2025****Aditi Sharma****...Petitioner(s)****Vs.****Rahul Sharma****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Jaskaran Singh, Advocate with  
Ms. Gurpalak Kaur, Advocate  
for the petitioner.

**\*\*\*****NIDHI GUPTA, J.**

The wife has filed the present petition under Article 227 of the Constitution of India for setting aside order dated 30.05.2024 (Annexure P1) passed by learned Principal Judge, Family Court, Karnal, in case No.GW/98/2023 titled as "Aditi Sharma Vs. Rahul Sharma" whereby the application under Section 12 of the Guardians and Wards Act and Section 13 of the Hindu Minority and Guardianship Act seeking the interim custody of minor daughter, has been dismissed.

2. It is submitted by learned counsel for the petitioner that the impugned order dated 30.05.2024 (Annexure P1), is unsustainable as the minor girl child is aged only about 6 years. Learned counsel submits that being a minor girl child of aged only 6 years, she should be in the custody of the petitioner/mother as the same would be in her best interest. It is further



submitted that vide the impugned order, the petitioner was also permitted to meet the child on every 2<sup>nd</sup> and 4<sup>th</sup> Saturday in Bal Bhawan, Karnal for 2 hours from 4 pm to 6 pm. However, the respondent is not complying with the said order. It is further submitted that the respondent has cast aspersions on the character of the petitioner. It is accordingly prayed that the impugned order be set aside and the application filed by the petitioner seeking interim custody of the minor daughter may be allowed for the above said reasons.

3. No other argument is made on behalf of the petitioner.

4. I have heard learned counsel and perused the case file.

5. Perusal of the record of the case shows that the petitioner was married to the respondent on 08.12.2015. It was a love marriage between the parties. 2 daughters were born out of their wedlock. One daughter who is mentally challenged, is in the care and custody of the petitioner; and the second elder daughter is living with the respondent/father since separation. Due to matrimonial discord, the parties started living separately since 15.11.2023. Initially both the parents had agreed to share the custody. Then the petitioner filed petition under Sections 7, 10, 12, 17 and 25 of the Guardian and Wards Act read with Sections 6 and 13 of the Hindu Minority and Guardianship Act (Annexure P2) seeking custody of the daughter, who is in the custody of the respondent; accompanied by an application under Section 12 of the Guardian and Wards Act and Section 13 of Hindu Minority and Guardianship Act (Annexure P4)



seeking interim custody. The respondent filed written statement dated 30.05.2024 (Annexure P3) to the main petition; and reply dated 30.05.2024 (Annexure P5) to the above said application inter alia denying the allegations therein raised by the petitioner in her petition and application.

6. Perusal of the impugned order reveals that the learned Principal Judge, Family Court, Karnal has recorded that the Court had met with the minor girl child in the chamber in the presence of both the parents. The learned Family Court has observed that although the minor girl child had interacted peacefully with her mother, however, she had appeared to be more comfortable with her father/respondent. Accordingly, learned Family Court had permitted the petitioner to meet the child on 2<sup>nd</sup> and 4<sup>th</sup> Saturday at Bal Bhawan, Karnal for 2 hours from 4 pm to 6 pm. It has been submitted by learned counsel for the petitioner that the said direction has not been complied with. However, it is also simultaneously admitted by the petitioner that said fact has not been brought to the notice of the learned Family Court.

7. In view of the above facts, I find the impugned order to be just and reasonable in the facts and circumstances of the case. Present petition accordingly stands **dismissed**.

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

**01.04.2025**  
Sunena

**(Nidhi Gupta)**  
Judge

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