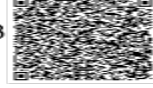


2025:PHHC:033576-DB



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

FAO-1312-2025 (O&M)

Date of decision: 25.02.2025

KIRAN JYOTI

.....Appellant

Versus

SURINDER SINGH

.....Respondent

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

Present:- Mr. Sachin Ohri, Advocate for the appellant.

SUDHIR SINGH, J.

Challenge in the present appeal is to the order dated 12.12.2024 passed by the learned Additional Principal Judge, Family Court, Gurdaspur (for short 'the Family Court'), whereby while dismissing the petition under Section 25 of the Guardian and Wards Act, 1956 (for short 'the Act') filed by the respondent-husband, he was granted visitation rights qua the minor child.

2. The aforesaid petition had been filed by the respondent-husband asserting therein that his marriage with the appellant-wife was solemnized on 05.03.2014, according to Hindu rites and out of the said wedlock one female child was born in the month of November, 2014. It was further alleged that on 23.07.2019, the appellant-wife left the matrimonial home without any justification and she had also taken the minor child with her. He further alleged that the

minor was being deprived of the love and affection of her father. It was further alleged that the financial position of the respondent-husband was much better than the appellant-wife. Accordingly, the custody of the minor child was sought for.

3. The aforesaid petition was contested by the appellant-wife by asserting that she along with the minor child had been turned out of the matrimonial home by the respondent-husband. It was further alleged that the custody petition was a counterblast to the proceedings under Section 125 Cr.P.C., initiated by the appellant-wife. The respondent-husband had never paid any maintenance to her or the minor child and that he had no love and affection for the minor child. In the month of March, 2019, the respondent-husband came to the parental house of the appellant-wife in a drunkard condition; abused her and had also demanded a sum of Rs.10 lakh. On 22.11.2019, the respondent-husband also tried to snatch the minor child from the appellant-wife outside the school, namely, Greenland School, Dinannagar, regarding which she had moved an application to the Police Station at Dinanagar. It was further asserted by the appellant-wife that she was working in Little Flower Convent School, Awankha and she was fulfilling the needs of the minor child. It was also asserted that her parents had also been contributing towards the care and welfare of the minor child.

4. On the pleadings of the parties, the learned Family Court framed the following issues:-

- “1. Whether it would be in the welfare of minor daughter Yashmin Kartar, if the custody is granted to the petitioner, as prayed for? OPP
2. Whether petitioner is entitled for the custody of minor, as prayed for? OPP
3. Whether petition is not maintainable in the present form? OPR
4. Relief.”

5. In evidence, the respondent-husband examined himself as PW1 and had also examined PW2-Thuru Ram and PW3-Ajit Singh. On the other hand, the appellant-wife examined herself as RW1 besides examining RW2-Balkar Singh.

6. The learned Family Court after taking into consideration the rival contentions and evidence on record, dismissed the petition filed by the respondent-husband as noticed above, but has given visiting rights to him.

7. Learned counsel for the appellant has vehemently argued that as the respondent-husband had failed to maintain and take care of the minor child, the learned Family Court was not justified in granting him the visiting rights. It is further argued that the respondent-husband is a quarrelsome and drunkard person and in case, the directions of the learned Family Court regarding the visiting rights, are not set aside, the same would make the life of the appellant-wife as hell and that she would not be able to take care of the minor child due to the interference of the respondent-husband. Accordingly, a prayer has been made for setting aside the aforesaid part of the order passed by the learned Family Court.

8. We have heard the learned counsel for the appellant and have also gone through the impugned order.

9. The only question that arises for consideration by this Court is whether the order passed by learned Family Court, requires any interference.

10. The only challenge in the present appeal is qua the visiting rights granted to the respondent-husband in respect of the minor child. We may also observe that with the growing age, the child also requires care and attention of the father. The custody of the minor child with the appellant-wife has not been disturbed and the respondent-husband has only been granted the visiting rights. The grant of visiting rights does not *ipso-facto* amount to disturbing the custody of the child. Therefore, we do not find that the impugned order passed by the learned Family Court, requires any interference.

11. No other point has been urged.

12. In view of the above finding no merit, the present appeal is dismissed.

13. Pending application(s), if any, shall stand disposed of.

[SUDHIR SINGH]
JUDGE

[SUKHVINDER KAUR]
JUDGE

25.02.2025

himanshu

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No