



116

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

**FAO-667-2025 (O&M)**

**Date of decision: February 03, 2025**

Avtar Singh

....Appellant

versus

Mandeep Kaur

....Respondent

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH  
HON'BLE MR. JUSTICE SUMEET GOEL**

**Present:-** Mr. Kamal Gupta, Advocate and  
Mr. Sanish Girdhar, Advocate for appellant.

\*\*\*\*\*

**SUDHIR SINGH, J. (ORAL)**

**CM-2125-CII-2025**

For the reasons stated in application, same is allowed. Delay of 79 days in filing the appeal is condoned.

**Main case (O&M)**

Challenge in the present appeal is to the impugned order dated 13.08.2024 passed by learned Principal Judge, Family Court, Tarn Taran (for short 'the Family Court') whereby the petition under Section 7 of the Guardian and Wards Act, 1890 (for short 'the Act') for grant of custody of the minors, namely, Sumandeep Kaur and Abhavjot Singh by way of appointment of the appellant their real father as their legal guardian, was

allowed to the extent of granting visitation rights in favour of the appellant to meet minor children.

2. Learned counsel for the appellant submits that the appellant is aggrieved only to the extent of granting visitation rights to the appellant to meet the minor children in the mediation centre i.e., after lunch, when he came on leave.

3. The impugned order is premised on the following reasons: -

*“Vide separate statement, petitioner Avtar Singh stated that he only wants visitation rights to meet his children whenever he came on leave from his job.*

*Vide separate statement, respondent Mandeep Kaur stated that she has heard the statement of the petitioner and she is agreed to it. She is ready to arrange the meeting both the minor children with petitioner in mediation center Tarn Taran whenever he came on leave from his job.*

*In view of the statement of both the parties, the present petition is allowed to the extent that the petitioner has been granted the visitation rights to meet the minor children, whenever he came on leave from his job. The petitioner can meet the minor children in the mediation center i.e. after lunch when, he came on leave. The petitioner has been directed to move appropriate application before this court regarding it, so that his meeting with the minor children be arranged in mediation center.*

*The petitioner has been given visitation rights to meet his minor children. Accordingly, the present petitioner is allowed and file be consigned to record room.”*

4. Section 19(2) of the Family Courts Act, 1984 (for short ‘The Family Courts Act’) reads thus:-

**“19. Appeal.—** xx xx xx

*(2) No appeal shall lie from a decree or order passed by the Family Court with the consent of the parties or from an order passed under Chapter IX of the Code of Criminal Procedure, 1973:*

*Provided that nothing in this sub-section shall apply to any appeal pending before a High Court or any order passed*

*under Chapter IX of the Code of Criminal Procedure, 1973 (2 of 1974) before the commencement of the Family Courts (Amendment) Act, 1991”*

5. Perusal of the impugned order shows that the petition filed by the appellant was allowed on consensual basis as the appellant had made a statement to afford him only visitation rights to meet his children whenever he came on leave from his job, to which, the respondent had also agreed. Section 19(2) of the Family Courts Act stipulates that no appeal lies from a decree or order passed by the Family Court with the consent of the parties.

6. Faced with the aforesaid, learned counsel for the appellant seeks liberty to move an application before the learned Family Court for redressal of his grievance in respect of grant of visitation rights.

7. In view of the above, appeal is disposed of, with liberty, as aforesaid.

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

**(SUDHIR SINGH)**  
**JUDGE**

**(SUMEET GOEL)**  
**JUDGE**

**February 03, 2025**

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No