



112 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

FAO-1844-2025 (O&M)  
Date of decision : 16.07.2025

Mrs. Sandhya Devi

...Appellant

Vs.

Rajan Kumar

...Respondent

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL  
HON'BLE MR. JUSTICE ROHIT KAPOOR

Present: Mr. Rajesh Malik, Advocate  
for the appellant.

Mr. Sandeep Verma, Advocate  
for the respondent.

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**ANIL KSHETARPAL, J. (Oral)**

**I Brief facts of the case:-**

1. In this appeal, the custody of a minor girl child, namely Lavanya is in dispute. The appellant herein is the mother of the child, whereas the respondent herein is the father. Their marriage was solemnized on 25.11.2012 as per Hindu rites and ceremonies and they are blessed with three children, namely, Kinshuk, Lakshita and Lavanya. Kinshuk and Lakshita are presently residing with the respondent (father) who is now serving as a Commandant in Central Industrial Security Force (CISF). On the other hand, the appellant is stated to be 12th pass and does stitching work for earning. The average monthly income of the appellant is stated to be around Rs. 10,000/- per month.



**II Reasons recorded by the Family Court:-**

2. The Family Court after taking into account various aspects of the matter came to conclusion that the custody of Lavanya should be given to the father who is already taking care of two remaining children, which will enable Lavanya to live with her siblings.

**III Analysis and Discussion:-**

3. Heard the learned counsel representing the parties at length and with their able assistance perused the paper-book.

4. In the pre-lunch session, the respondent was given custody of the child for nearly one hour. Thereafter, this Bench interacted with the child who appears to be an intelligent child. She was not averse to going with her father. When she was asked about the work her mother does, she failed to answer. Though, she stated that her mother remains in the house normally.

5. It has come on record that Lavanya and Lakshita were born at the same time i.e. on 02.06.2016. The Family Court noticed that Lakshita is a student of Class IV, whereas, Lavanya is still studying in Class IInd in Village Bakhtawarpur, Tehsil and District Sonipat. The trial Court further recorded the following findings:-

*"Regarding the allegation that she is vagabond type of lady and remains out side the house, there is simple denial. She did not rebut the specific allegation with the specific pleadings. The petitioner has relied upon in this regard on Mark-E, the FIR and Mark-F the writing of respondent where she admitted her fault to leave the home without telling to her husband. In transcription Mark-B the*



*leaving of home 2-3 times by respondent can be seen in transcription of petitioner as well as his father in-law."*

6. The appellant has never sought custody of her remaining two children. This Bench has also interacted with the appellant. However, she appears to be not much concerned with the education of her daughter.

7. Learned counsel representing the appellant has submitted that: (i) the child is required to remain in the custody of her mother; and (ii) the respondent has failed to pay the amount of maintenance.

8. This Court has considered the submissions made by the learned counsel representing the parties.

9. In such cases, welfare of the child should be the paramount consideration of the Court. The welfare of the child is required to be kept into due consideration before passing any order.

10. It is evident that now the age of the child is more than 09 years. Her two siblings are happily staying with the respondent(father). She is also not averse to staying with her siblings. Lavanya has lagged behind in her studies on account of lack of seriousness on the part of the appellant. Hence, there is no error in the finding of the Family Court that the welfare of the child is with the father (respondent).

11. It will be noticed that the question of non-payment of maintenance is not the subject matter of consideration before this Court. This aspect was never taken up before the Family Court. In this case, there is no direction to the respondent to pay maintenance *pendente lite*. Hence, it would not be



appropriate to entertain this submission.

**IV Decision:-**

12. Consequently, finding no merit, the appeal is dismissed.

13. All the pending miscellaneous applications, if any, are also disposed of.

**(ANIL KSHETARPAL)  
JUDGE**

**(ROHIT KAPOOR)  
JUDGE**

**16.07.2025**

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