

(2025) 12 P&H CK 0048

Punjab And Haryana HC

Case No: Civil Revision No. 5313 Of 2023(O&M)

Vikas Dhankar

APPELLANT

Vs

Shweta

RESPONDENT

Date of Decision: Dec. 5, 2025

Acts Referred:

- Constitution Of India, 1950-Article 227
- Code Of Civil Procedure, 1908-Section 151

Hon'ble Judges: Vikas Bahl, J

Bench: Single Bench

Advocate: Deepender Singh, Nidhi Dahiya, Naveen Sharma Bhardwaj, Lokendra Singh

Final Decision: Disposed Of

Judgement

Vikas Bahl, J

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside/modification of the order dated 29.08.2023 (Annexure P-1) passed by the Principal Judge, Family Court, Jhajjar, whereby an interim application dated 25.11.2019 (Annexure P-5) for interim custody of the minor children in main case GW No.72 of 2021 titled as "Shweta Vs. Vikas Dhankar", has been allowed.

2. On 15.10.2025, this Court had passed the following order:-

"139

CM-21081-CII-2025 IN CR-5313-2023

VIKAS DHANKAR VS. SHWETA

Present: Mr.Naveen S. Bhardwaj, Advocate for the applicant-respondent.

Mr. Deepender Singh, Advocate and

This is an application under Section 151 CPC with the prayer to allow the applicant (wife) to keep the minor children in her custody from 19.10.2025 to 23.10.2025 during the Diwali breaks.

Learned counsel for the applicant has submitted that the applicant is the mother of two minor children, one being the son namely Tushan aged 10 years and other being daughter namely Chitranshi aged 7 years. It is submitted that the applicant is working in Kendriya Vidyalaya and is currently posted in Jammu and has not been able to meet her children on account of stay in Jammu. It is further submitted that the children are living with their father in Jhajjar and in case the interim custody for the aforesaid period is given to the applicant, then the applicant would stay with the children in Jhajjar only. It is further submitted that the applicant, who is the mother, would take due care of both the children and would give them all love and affection.

Learned counsel appearing for the non-applicant (husband), on the other hand, has submitted that since 20.10.2025 is the Diwali festival and both the minor children have been spending every Diwali in the house of the respondent, thus, on the Diwali day especially at the time when the Puja and other ceremonies are to be performed, the custody of the children be handed over to the non-applicant(husband). It is further submitted that specific time be also mentioned as to when the applicant would hand over the custody of minor children back to the non-applicant on 23.10.2025. It is further prayed that the grant of said interim should not be construed as an expression on the merits of the main case. Learned counsel for the non-applicant has very fairly submitted that in case the applicant (wife) is also willing to join the children on the Diwali day to come to the house of the non-applicant (husband), the applicant can do the same.

Keeping in view the fair stand taken on behalf the applicant as well as the non-applicant and with the consent of parties, the present application is disposed of with the following directions/observations:-

- i) The non-applicant (husband) would hand over the custody of the two minor children namely Tushan and Chitranshi to the applicant (wife) on 19.10.2025 at 10 AM. The Deputy Commissioner, Jhajjar, is requested to depute responsible person to see that the transfer of the interim custody from house of the non-applicant (husband) is done peacefully.*
- ii) The applicant (wife) would hand over the custody of the minor children back to the non-applicant (husband) on 20.10.2025 at 5:00 PM. It would be open to the applicant (wife) to also participate in Diwali celebrations in the house of her husband upto the time she wishes.*
- iii) The non-applicant (husband) is directed to hand over the interim custody of the minor children again to the applicant (wife) on 21.10.2025 at 10:00 AM. The Deputy Commissioner, Jhajjar is requested to depute responsible person to see that the transfer of the interim custody from house of the non-applicant (husband) is done peacefully.*

iv) On 23.10.2025, the applicant (wife) would hand over the custody of the minor children to the non-applicant (husband) on or before 6:00 PM by bringing the minor children to the house of the non-applicant (husband).

v) Both the parties are directed to maintain peace and harmony and to provide all love and affection and comfort to the minor children.

The present order would not be construed as an expression on the merits of the main case, which would be considered independently, in accordance with law. October 15, 2025”

3. Learned counsel for the parties have very fairly submitted that the said order has been complied with.

4. During the course of arguments, a very fair stand has been taken by the counsel for the petitioner as well as counsel for the respondent on instructions from their clients who are present in the Court and with the consent of the parties, the present revision petition is disposed of with the following observations/directions:-

a) Order dated 29.08.2023 (Annexure P-1) is set aside subject to the following conditions:-

i) It has been jointly stated that the two minor children have winter vacation as well as summer vacation and it has jointly been agreed that the respondent-mother would be entitled to have interim custody of both the minor children for half of the total number of days in the winter vacation as well as in the summer vacation. The dates for which the said interim custody would be given to the respondent-mother by the petitioner-husband for half of the vacation would be at the option of the respondent-mother. In view of the earlier conduct of the parties, this Court is sanguine that the transaction of giving the interim custody for the said period by the petitioner to the respondent would be amicable, regarding which, both the parties have also assured the Court that same would be amicable. However, in case there is any issue with respect to the same, it would be open to either of the parties to move an appropriate application before the Family Court for necessary directions

ii) In addition to the above, in case respondent-wife either during any other vacation period or on a weekend wishes to have the interim custody of both the minor children, then, it would be open to the respondent-wife to make a request regarding the same to the petitioner and this Court is sure that the petitioner would consider the said request positively. However, in case any issue arises regarding the same, it would be open to the respondent to move an appropriate application before the Family Court which would be considered as expeditiously as possible.

iii) It has been stated that the application for seeking custody was filed in the year 2019 and the main case is still pending. It has been fairly brought to the notice of this Court that case has been adjourned for awaiting the order passed by this Court and thus, even the plaintiff evidence has not started. Pendency of the present revision petition was never a bar to the Family Court from proceeding with the matter, as the present petition is only with respect to interim custody whereas the final custody dispute has to be decided after evidence is led in the main petition. Since the

application has been filed in the year 2019, thus, the Family Court is requested to decide the main petition as expeditiously as possible, by giving short dates. The Family Court would from the next date of hearing grant only three effective opportunities to both the parties for leading and concluding evidence and would make every endeavour to finally dispose of the case as expeditiously as possible preferably within 10 months from today.

iv) It would be relevant to note that the main case would be decided de hors the observations made in the impugned order. Even this Court has not opined on the merits of the case and the Family Court would decide the main case independently, in accordance with law, after considering the evidence, documents and pleadings on record.

v) It has also been agreed that the respondent would be able to do video call with both the children on daily basis at the time suitable to the children as well as respondent.

5. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.