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ITEM NO.11

COURT NO.2 SECTION IVB
S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 22422/2011
(Arising out of impugned final judgment and order dated 27/07/2011
in FAO No. 1871/2010 passed by the High Court Of Punjab & Haryana
At Chandigarh)

CHHOTU RAM

Petitioner(s)

VERSUS

SURAJ MUKHI

Respondent(s)

(with appln. (s) for exemption from filing O.T. and interim relief
and office report)

(For final disposal)

Date : 19/01/2016 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIL R. DAVE

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

For Petitioner(s) Mr. Atul Kumar, Adv.

Mr. Abhimanyu S., Adv.

Mr. S. K. Verma, Adv.

For Respondent(s) Mr. Himanshu Gupta, Adv.

Mr. Anil Kumar Tandale, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

The appeal stands disposed of as allowed in terms of
the signed non-reportable Judgment.

(NEELAM GULATI)

COURT MASTER

(SNEH BALA MEHRA)

ASSISTANT REGISTRAR

(Signed Non Reportable Judgment is placed on the file)

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NON REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 390 OF 2016

(Arising out of SLP(C) No. 22422 of 2011)

CHHOTU RAM

Petitioner(s)

VERSUS

SURAJ MUKHI

Respondent(s)

J U D G M E N T

Leave granted.

Heard the learned counsel for the parties.

The issue involved in the Appeal is with regard to the
custody of minor Kavita, who is about 16 years of age.

Initially, custody of the child was with the father
but the mother-the respondent herein had challenged the
Order whereby the custody of the minor child-Kavita was
given to the father.

In the circumstances, by virtue of the Order dated
27 th

July, 2011 passed in FAO No. 1871 of 2010, the High
Court had directed that the custody of the child-Kavita be
given to the mother.

In the aforesaid circumstances this Appeal has been
filed by the father of the minor child- Kavita.

On 6 th

January, 2012, the minor child-Kavita was
summoned in this Court and she was examined by the Bench
presided by Hon'ble D.K. Jain, J. with one of us (Anil R.

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Dave, J.). At that time Kavita had expressed her strong
desire to remain with her father.

In view of the aforesaid fact and in view of the development that the husband and the wife have been divorced during the pendency of this litigation and Kavita has also become more mature, we set aside the Order of the High Court and remit the matter to the Family Court, Hissar so that the Family Court can decide the matter afresh after examining the Kavita and obtaining her view afresh.

The Appeal stands disposed of as allowed. The parties shall appear before the Family Court, Hissar on 15 th February, 2016 alongwith Kavita so that appropriate decision can be taken at an early date.

The matter is ordered to be restored to its original number in the Family Court, Hissar. The said Court shall be given intimation of this order by the Registry of this Court.

â- |.....J
(ANIL R. DAVE)

â- |.....J
(ADARSH KUMAR GOEL)

NEW DELHI

January 19, 2016