

***Problem for Judgment Writing Competition- 2018**

The Appellant *Alok Girdhar Gupta* admitted that his marriage was solemnized with *Smt. Akriti Girdhar Gupta* in Karnal on 23-06-2009. Out of their lawful wedlock 'Krish' was born on 5-09-2010. Respondent No.1 *Smt. Akriti Girdhar* lived with him in his parental house at Deepak Nagar, Urban Estate, Karnal till 17-06-2010. During this period Respondent No.1 *Smt. Akriti Girdhar* become pregnant. Meanwhile appellant *Alok Girdhar Gupta* was convicted and sentenced for imprisonment for life in a murder case.

He had been released on bail by order of this court on 7-01-2013. He took 'Krish' respondent No.2 from the house of Respondent No. 1 *Smt. Akriti Girdhar*. Respondent No.2 is living with Respondent No. 1. Respondent No. 1 is in service, highly qualified has studied upto M.Sc. Microbiology, PGDCA, B.Ed. and in occupation as Shikshakari Class-I officer and living in Nilokheri.

In brief, the appellant Mr. *Alok Girdhar Gupta* was impeaching her character. When he came out on bail on 7-01-2013, he took 'Krish' respondent No.2 from her house and refused to send back to her house.

The appellant alleged that Respondent No.1 *Smt. Akriti Girdhar* had sent him message that she is inclined to marry with one Dinesh Verma. On 8-01-2013 he (appellant) had gone to the house of Respondent No.1 to leave Respondent No. 2. But Respondent No. 1 had told that she does not want to keep Respondent No.2 because he is a mark of sin.

He is maintaining Respondent No. 2 well. Respondent No.1 uses to ply daily to her work place from Nilokheri. Thus, Respondent No. 2 would not get good education and proper maintenance.

The First Additional Principal Judge, Family Court, Karnal ordered that the Respondent No. 1 is entitled to get the custody of the minor son, Respondent No. 2 under Section 7 of the Guardian & Wards Act, 1890. The appellant preferred the appeal against the order in the Punjab & Haryana High Court, Chandigarh.

Disclaimer: The contents of this problem including names, facts, etc. are fictitious. Any resemblance whatsoever is purely coincidental.