

**Court No. - 4**

**Case :-** MATTERS UNDER ARTICLE 227 No. - 5358 of 2016

**Petitioner :-** Chauhal Singh And Another

**Respondent :-** Smt. Poonam

**Counsel for Petitioner :-** Akhank Kumar Jain

**Hon'ble Rajesh Dayal Khare,J.**

Heard learned counsel for the petitioners.

Present petition has been filed for setting aside the order dated 05.4.2016 and 25.4.2016 passed by Principal Judge Family Court Saharanpur in Case No. 162 of 2015 whereby the matter has been directed to be proceeded ex parte.

Learned counsel for the petitioners contends that part of the order with regard to custody of the child has already been complied with by the petitioners and the child has been handed over to the respondent as interim measure, therefore, it is argued that the petitioners, who are grand parents of the child have no interest in delaying the matter. It is argued that on account of unavoidable circumstances, petitioners could not appear on 05.4.2016 and the matter has been directed to be proceeded ex parte. Learned counsel for the petitioners contends that the petitioners shall appear before the court below as and when required and opportunity may be given to the petitioners to contest the matter.

After hearing the learned counsel for the petitioners and after perusing the material on record, this Court is of the opinion that one opportunity shall be given to the petitioners to contest the matter.

Accordingly, the order dated 05.4.2016 is hereby set aside and the court below is directed to grant one opportunity to the petitioners to participate in the proceedings, however, it is made open to the court below that in case the petitioners do not appear before the court below as and when required, appropriate orders as per law, may be passed in the matter.

Present petition accordingly disposed of.

**Order Date :-** 3.8.2016

faraz