



(2026:HHC:5870)

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**Cr.WP No.29 of 2025****Decided on: 05.03.2026**

Amandeep Kaur HundalPetitioner**Versus****State of Himachal Pradesh and Others**Respondents

*Coram****The Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice******The Hon'ble Mr. Justice Bipin C. Negi, Judge******Whether approved for reporting?¹***

For the Petitioner : Mr. Vivek Singh Attri, Advocate.

For the Respondents : Ms. Priyanka Chauhan, Deputy Advocate General, for respondents No.1 to 3-State.

: Mr. Udit Shaurya Kaushik, Advocate, for Mr. Nitin Thakur, Advocate, for respondent No.5.

G.S. Sandhawalia, Chief Justice (Oral).

The present petition has been filed by the petitioner i.e. mother of the minor child-Master Veerman Singh for seeking issuance of a writ of Habeas Corpus and seeking various directions including removal of the minor child from Akal Academy, Baru Sahib and restraining respondent No.5-father from taking the custody as such of the minor child.

¹ Whether reporters of Local Papers may be allowed to see the judgment?



2. Vide detailed order dated 17.12.2025, we had balanced the interest of both the father and mother and divided the custody as such to them for the winter vacations which started from 18.12.2025. The said order reads as under:-

“Present petition has been filed by the mother seeking issuance of a writ of Habeas Corpus for handing over of the custody of the minor child master Veerman Singh by arraying her husband and father of the child, Tanveer Singh as respondent No.5. Both husband and wife are present in Court. The child is stated to be studying in Akal Academy, Baru Sahib, District Sirmaur, H.P and in around 5 years old. It is in the circumstances, this Court is vested with the jurisdiction to deal with the custody issue.

It is also not disputed that a joint petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage has already been filed before the Principal Judge/Family Court, Panchkula and the first motion was recorded on 9th September, 2025 and the case was adjourned to 18th March, 2026 for recording the statement at the stage of second motion.

Mutual compromise deed dated 19th July, 2025 is also appended alongwith the certified copies of the orders passed by the Family Court. The same has also been appended by the petitioner alongwith the present petition. Perusal of the same would go on to show that the parties seem to have agreed that the custody of the said child virtually shall vest with the husband. However, the wife is to have liberal visitation rights and the presence of both the parties is required for taking the child home during the vacations. Various issues are also regarding the financial transactions and loans taken and large number of properties which are also part of the settlement deed and there is another clause also regarding the dispute concerning the child visitation or financial issues which has to be subject to the adjudication by the appropriate Family Court and the parties have to abide by the said decision. The husband has undertaken to discharge all financial liabilities.

The petition has been filed on the premise that the husband would as such take advantage of school procedures and would take the exclusive custody of



the minor from the school keeping in view the winter vacation which is stated to have been commenced as such for the classes in which the child is studying. However, we have interacted with both of them in Court and tried to convince them that it would be in the welfare of the child if both of them jointly as such rare him up and it would be better for his development in the long run. Whereas the allegations as such and counter allegations are being made by the husband and wife, but we do not wish to get into them at this point of time.

It has also been pleaded that the husband was already married with Ramninder Kaur and it has come fore that there is a daughter also namely, Vanika, who is also studying in the same school and is stated to be in the 8th class. However, the dispute as such in the present petition does not pertain to her custody and neither the petitioner as such is wasting the visitation rights qua the step daughter.

The school is stated to be opening only on 23rd February, 2026 and the child is to be re-admitted and would have to reach back by 21st/22nd of February, 2026.

During the course of hearing, the husband and wife alongwith their counsels have now come to a mutual agreement that the custody of the child during the winter vacations, as such, could be evenly divided. We are sanguine with such an idea as apparently from the interaction, it has transpired that the father was only able to meet the child on 15.12.2025 whereas the mother has not met the child since October, 2025 in the school premises. In such circumstances, it is being left to this Court to decide that which part of the winter vacation the child will remain with each of the parents.

Keeping in view the above, we are of the considered opinion that in the first half, as such, of the winter vacation till 23.1.2026, the child will stay with the mother and thereafter from 24.1.2026, the child will stay with the father, who will get the child re-admitted well before the school opens.

Accordingly, we issue directions, as such, to respondent No.4-Principal, Akal Academy that the petitioner will be entitled to pick up the child on showing the downloaded copy of this order. Respondent No.5-father of the child can also be permitted to meet the child on 18.12.2025 before the child is taken by the mother for winter vacation, till 23.01.2026. In the meantime, pleadings be completed.



*Both the parents shall not indoctrinate the child in any manner against the other parent during the period the child remains in their custody.
List this matter on **25th February, 2026.**"*

3. As per directions as such, respondent No.5-father had to re-admit the minor child in the school on its opening on 23.02.2026. Apparently, the child had not been re-dmitted on the re-opening of the school. Today, we have been informed that the child has been re-admitted in the school belatedly on 02.03.2026 alongwith his step sister-Vanita Singh qua whom there is no dispute of custody since she is a child from earlier wedlock of the private respondent.

4. In such circumstances, we are of the considered opinion that the present petition has been rendered infructuous especially, keeping in view the fact that in **Cr.W.P. No.11 of 2023** titled as **Saurav Rattan Vs. State of Himachal Pradesh & others**, decided on 09.05.2025 and **Cr.W.P. No.7 of 2026** titled **Himanshu Dilip Kulkarni Vs. State of Himachal Pradesh & others**, decided on 23.02.2026, we had held that when there is a dispute *inter se* the parents as such regarding the custody of the minor child, the jurisdiction would be of the Guardian Court and a writ of habeas corpus would not lie.

5. Resultantly, we dispose of the present petition with liberty to the parties to avail their alternative remedy which is available, since the child has already been admitted in the boarding



school and is not likely to be released from the school, since the summer break is nominal as such in the State of Himachal Pradesh and where the winter break is longer, for which we had already passed the appropriate orders.

6. Pending application(s), if any, shall stands disposed off accordingly.

(G.S. Sandhawalia)
Chief Justice

(Bipin C. Negi)
Judge

5th March, 2026
(Munish Thakur)