

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**FAO No.7052 of 2015 (O&M)
Date of Decision: 11.12.2015**

Smt. Seeso

.....Appellant

Versus

Paramjit Kaur & another

....Respondents

**CORAM: HON'BLE MR. JUSTICE RAJIVE BHALLA
HON'BLE MRS. JUSTICE REKHA MITTAL**

Present: Mr. R.S.Bajaj, Advocate for the appellant.

Mr. P.L.Singla, Advocate for the respondents.

RAJIVE BHALLA, J (ORAL)

The appellant, who is grand-mother of the minor Herman Kumar, challenges order dated 17.07.2015, passed by the Additional Civil Judge (Sr. Divn.), Phillaur, directing her to hand over custody of the minor to respondent No.1 (his mother).

The appeal came up for consideration on 15.10.2015. After considering arguments addressed by counsel for the appellant, the following order was passed:-

“ We have heard counsel for the appellant, perused the impugned order and find no reason whether in fact or in law to hold that the Additional Civil Judge (Senior Division), Phillaur has committed an error in directing that the custody of the minor be handed over to his mother Smt.Paramjit Kaur. The minor is six years old and there is no evidence adduced by the appellant as would persuade us to record a finding that the

welfare of the child does not lie with his mother.

At this stage, counsel for the appellant states that instead of dismissing the appeal, the question of grant of visitation rights to the appellant may be considered.

Issue notice of motion for 17.11.2015 limited to the plea of visitation rights.

Process dasti only. A copy of the order be appended with the notice.”

Counsel for the appellant states that in view of order dated 15.10.2015, the appellant confines her prayer to the grant of adequate visitation rights.

Counsel for the respondents submits on instructions that respondent No.1 has no objection if visitation rights as directed by this Court are granted to the appellant.

We have heard counsel for the parties, perused order dated 15.10.2015 and while affirming the impugned order, modify order dated 17.07.2015, in the following terms:-

(a) The appellant Smt.Seeso widow of Sh.Mohan Lal, shall hand over custody of the minor Herman Kumar to respondent No.1-Smt.Paramjit Kaur widow of Sh.Sita Ram on the date fixed before the executing Court i.e. on 18.12.2015. Smt.Seeso, the appellant shall be entitled to visitation rights.

(b) Smt. Paramjit Kaur, shall produce the minor Herman Kumar for interaction with Smt.Seeso, on the first Saturday of each month in the office of the Secretary, Legal Services Authority, Jalandhar,

between 2.00 PM to 4.00 PM.

Disposed of in the above terms.

[RAJIVE BHALLA]
JUDGE

11.12.2015
Vinay

[REKHA MITTAL]
JUDGE