

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

**FAO No.882 of 2014 (O&M).
Date of Order: 01.10.2015**

Gufran

..Appellant

Versus

Phoolwati

..Respondent

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

**Present: Mr. Mohd. Shameen, Advocate, for
Mr. Saqib Ali Khan, Advocate,
for the appellant.**

**Mr. Ankit Joshi, Advocate,
for the respondent.**

RAJIVE BHALLA, J (Oral)

Counsel for the parties state that as parties have resolved their differences by recording a written settlement/agreement, dated 10.09.2015, the appeal may be disposed of in terms of the settlement/agreement.

We have heard counsel for the parties and perused the settlement/agreement, dated 10.09.2015. The dispute in the appeal relates to the custody of a minor child. The trial Court has awarded custody of the minor to the respondent. The parties have resolved the dispute by settlement/agreement, dated 10.09.2015. A relevant extract from the settlement/agreement, reads as follows:-

“a) That parties have agreed that the appellant-

Gufran and her family shall have no objection if

the custody of the child Pappi alias neelofar alias tavasum alias Anjali will permanently be given to respondent Phoolwati, the biological mother of the child.

- b) Both the parties have agreed that Phoolwati-the biological mother of the child herself or any of her family member shall never give child in question in adoption to anyone and nor will they hand over the custody of the child to anybody else. In case respondent Phoolwati or any member of her family break this aforesaid promise the appellant Gufran and her family shall have the right to get back the custody of the child.*
- c) It has been agreed between the parties that the child shall keep studying till she attains the age of Majority.*
- d) It has also been agreed between the parties that the appellant-Gufran along with her sons Hamir Khan and Goradeen as well as her daughter Zakia shall have a right to meet the child on third Sunday after every three months from 12.00 to 1.00 PM. In case due to some circumstances beyond the control of the parties the meeting does not take place on the agreed Sunday they shall inform the other party in advance and fix the next*

Sunday i.e. the fourth Sunday for the meeting.

The period of three months shall start from the date of the order passed by the Hon'ble High Court in the present settlement.

- e) *It has also been agreed between the parties that the child shall from now onwards have no right in the property/savings accounts or any fixed deposits pertaining to the appellant-Gufran or her family and she shall never file any litigation claiming her right with regard to the same against the appellant or her family.*
- f) *That both the parties have agreed that the appellant-Gufran along with her sons Hamir Khan and Goradeen as well as her daughter Zakia shall have a right to visit the child on her birthday i.e. 11th March of every year from 5 to 6 P.M. and the respondent-Phoolwati or any of her family members shall have no objection if the appellant or her family gives the child some gift.*
- g) *That both the parties have agreed that in case any other litigation is pending between the parties they shall get the same disposed of in terms of the present settlement.”*

In view of the settlement/agreement between the parties, order dated 09.10.2013, passed by the Additional Civil

Judge (Sr. Division), Bathinda, is modified, in terms of the settlement/agreement and the appeal is disposed of accordingly.

(RAJIVE BHALLA)
JUDGE

October 01, 2015
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(REKHA MITTAL)
JUDGE