

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

CR No.4918 of 2016(O&M)

Date of decision:3.8.2016

Rajwinder Kaur

....Petitioner

VERSUS

Harjinder Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Navjeet Singh, Advocate for the petitioner.

REKHA MITTAL, J. (Oral)

Counsel for the petitioner has submitted that Harjinder Singh and Amarjit Kaur – respondents No.1 and 2 filed a petition under Section 25 of the Guardians and Wards Act, 1890 for custody of minors Inderjit Singh and Manpreet Kaur and the same was decided ex parte vide judgment dated 03.03.2015.

Rajwinder Kaur, mother of the minors, filed an application under Order 9 Rule 13 of the Code of Civil Procedure, 1908 (for short 'CPC') for setting aside ex parte judgment and decree dated 03.03.2015 and an application for stay dated 11.12.2015 (Annexure P-3) was filed. It is submitted that the Court below has adjourned the case on a number of occasions but the application for stay has not been decided till date. It is further submitted that some time-bound directions may be issued for disposal of the stay application.

As the matter pertains to custody of the minor children that has been allowed in favour of their grandparents in preference to their mother and the execution proceedings are pending, the petition stands

disposed of with a direction to the trial Court to decide the application for stay within a period of 10 days from the next date fixed in the proceedings under Order 9 Rule 13 CPC i.e. 16.08.2016. In the meantime, till the decision of the application for stay, the executing Court will not handover custody of the children to the respondents/decreed holders.

AUGUST 3, 2016
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no