

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

CR No.1655 of 2018

Smt. Rajinder Kaur @ Rajwinder Kaur & Another

....Petitioner

Versus

Bhajan Singh and Anr.

....Respondents

Date of Order: 04.4.2018

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Keshav Pratap Singh, Advocate for the petitioner.

Mr. Deepak Verma, Advocate for the respondents.

AMIT RAWAL, J (ORAL)

Present revision is directed against the impugned order dated 20.12.2017 (P.3) passed by learned Addl. Civil Judge (Sr. Divn.), Garhshankar vide which the petition filed by the respondents under Section 7 & 25 of the Guardian Wards Act has been allowed while granting the visiting rights and the grand-parents have been permitted to meet the minor child-Sarabjit Singh for two hours on Second Saturday of every month at a convenient place determined by both the parties under consultation with their counsel so as to not to disturb the studies of the minor child.

In pursuance of order dated 13.3.2018 passed by this Court, petitioner-Rajinder Kaur along with her minor child-Sarabjit Singh aged six years as also grand parents named Bhajan Singh and Pritam Kaur are present in person.

On a specific question put by this Court to the minor child as to whether he is ready to meet his grand-parents, he expressed his

unwillingness.

Learned counsel for the petitioner submitted that the petitioner is residing with her parents along with her son whereas the respondents has not paid a single penny till today towards the maintenance of minor child as well as the petitioner. He submitted that the petitioner cannot be deprived of welfare of her child especially when the minor child does not identify his grand parents.

Learned counsel for the respondents has fully supported the impugned order and prayed for dismissal of the petition. It is averred that on the demise of son of the respondents, namely Hardeep Singh-husband of the petitioner-Rajinder Kaur, who died at his young age, the petitioner left her matrimonial home when the child was nine months old.

After hearing learned counsel for the parties and taking into account the facts of the present case, I am of the view that once the child named Sarabjit Singh has refused to meet his grand-parents as directed by the trial Court, it would not be feasible to allow the grand-parents to visit and meet the child for two hours on Second Saturday of every month. It is yet to be decided in the proceedings in the main case by way of leading evidence as to whether the petitioner-Rajinder Kaur has performed second marriage. This Court being the guardian has to see the betterment and interest of the minor child, who is only six years old. Even otherwise, the age of the grand-parents, on the asking of the Court, has been apprised to be 65 and 60 years and there is no other young member in the family to take care of.

In view of aforesaid, the present petition is allowed and the impugned order dated 20.12.2017 (P.3) is set aside.

Nothing expressed hereinabove shall be construed to be an opinion on the merits of the case pending adjudication.

April 04, 2018
manoj

^(AMIT RAWAL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable : Yes/No