

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

**CR No.7351 of 2018(O&M)
Date of Decision: 31.10.2018**

Gurdeep Kaur

.....Petitioner

Versus

Kikar Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Sandeep Punchhi, Advocate
for the petitioner.

Mr. A.K. Walia, Advocate and
Mr. Divyadeep Walia, Advocate
for respondent No.1.

RAJ MOHAN SINGH, J.(Oral)

- [1]. Petitioner has assailed the order dated 18.10.2018 passed by Civil Judge (Senior Division)/Guardian and Wards Judge, Bathinda vide which application filed by respondent No.1 for interim custody of Ashmeet Kingra daughter of the petitioner was allowed for the period from 26.10.2018 to 01.11.2018 for the purposes of attending the marriage ceremony of cousin of the minor. Marriage of cousin of the minor was fixed for 28.10.2018.
- [2]. At the time of issuance of notice of motion on 29.10.2018, following order was passed by this Court:-

“Minor (daughter of the petitioner) is aged 11 years and is studying in Kids Kingdom Convent School, Malout Road, Singhwal, District Sri Muktsar Sahib. Respondent is Non Resident Indian, who has come to India for attending marriage of his nephew Jagmail Singh son of Bohar Singh. Interim custody of minor has been allowed to the respondent from 26.10.2018 to 1.11.2018 for attending the marriage ceremony of cousin of the minor.

Learned counsel for the petitioner contends that welfare of the minor is of paramount consideration. Passport of the minor is with the respondent. Mutual divorce was granted between the parents in the year 2015 and since then, the minor is in the custody of mother/ petitioner and has never met any cousin in the village.

Notice of motion for 31.10.2018.

Dasti only.

Liberty is granted to the petitioner to serve the respondent through his counsel appearing on his behalf in the trial Court.

[3]. Perusal of the record produced by the petitioner would show that mutual divorce was granted between the parents of minor in the year 2015 and at present, minor is in the custody of the mother. Respondent No.1 is a non-resident Indian who has come to India for attending marriage of his nephew Jagmail Singh son of Bohar Singh. Appropriate proceedings in custody case of minor are pending before Civil Judge (Senior Division)/

Guardian and Wards Judge, Bathinda for 16.11.2018.

[4]. In view of marriage of the cousin of the minor having taken place on 28.10.2018, this revision petition has become infructuous. However, respondent No.1 would not be entitled to file any proceedings against the petitioner on the basis of impugned order as this revision petition is not being decided on merits. Respondent No.1 would be at liberty to avail any other remedy in the pending proceedings before the Civil Judge (Senior Division)/Guardian and Wards Judge, Bathinda in accordance with law.

October 31, 2018

Prince

**(RAJ MOHAN SINGH)
JUDGE**

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No