

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

106

FAO-2910-2018 (O&M)

Date of Decision:30.05.2018

Parminder Singh

.....Appellant

Versus

Jasvir Kaur

.....Respondent

**CORAM: HON'BLE MR.JUSTICE M.M.S. BEDI.
HON'BLE MR.JUSTICE HARI PAL VERMA.**

**Present: Mr. Ashish K. Gupta, Advocate,
for the appellant.**

M.M.S. BEDI, J.(Oral)

It has been informed that an appeal filed by the respondent-wife against order dated 05.03.2018 had been decided by this Court directing that in case the wife appears before the Guardian Judge and moves appropriate application in the light of provisions of Section 43 of the Guardian and Wards Act, 1890, the same would be decided on merits, in accordance with law.

The appellant-husband has submitted that he had also filed an application for modification of order dated 15.12.2014 passed by the Guardian Judge. But his application has also been dismissed on the similar grounds vide order dated 05.03.2018. He relies upon the order dated 20.04.2018 passed by this Court and claims that his application for modification of the earlier order should also have been considered under Section 43 of the Guardians and Wards Act, 1890.

We have heard the counsel for the appellant. We are of the opinion that the observations made by this Court on 20.04.2018 in FAO-

1899-2018 give an authority to the Guardian Judge to pass any interim direction in the interest of welfare of the child taking into consideration the terms of the settlement arrived at between the parties.

Since both the parties sought some modification in the earlier order and the Guardian Judge is seized of the matter regarding modification/implementation of the earlier order passed with the consent, we are of the opinion that it will be open to the Guardian Judge to issue any direction and pass any interim order taking into consideration the welfare of the minor in the light of the provisions of Section 43 of the Guardians and Wards Act, 1890.

Counsel for the appellant in view of the aforesaid observations seeks withdrawal of the present appeal with liberty to approach the Guardian Judge.

Disposed of as withdrawn with the aforesaid liberty as per observations made in order passed by this Court in FAO-1899-2018 on 20.04.2018. In case any such application is filed, the same will be considered along with the application filed by the respondent-wife.

The miscellaneous applications for condonation of delay and interim stay etc. are also disposed of accordingly.

(M.M.S. BEDI)
JUDGE

May 30, 2018
seema

(HARI PAL VERMA)
JUDGE

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