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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-4-CII-2019 in/and
COCP-1000-2017 (O&M)
Date of Decision: January 09, 2019

Nikhil Manchanda

.....Petitioner

Versus

Manika Manchanda and others

.....Respondents

CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR

Present: Mr.A.P.S.Deol, Sr.Advocate with
Mr.Vishal Lamba, Advocate
for the petitioner.

Respondent No.1 is present in person with
Mr.K.S.Nalwa, Advocate.
Mr.Keshav Partap Singh, Advocate
for respondent Nos.2 and 3.

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NIRMALJIT KAUR, J. (ORAL)

The order dated 08.01.2019 to secure presence of respondent No.1 through bailable warrants is recalled, as respondent No.1 is present in Court with her counsel.

The contempt petition is filed for violation of the Court order dated 25.08.2014 passed on the basis of compromise dated 25.07.2014 arrived at between the parties. One of the condition of the compromise was that custody of the minor child Mahir Manchanda shall remain with her mother Manika Manchanda, however with the stipulation that in case of re-

marriage of Manika Manchanda, the custody of Mahir Manchanda shall be handed over to Nikhil Manchanda. It is contended that the respondent got married way back in January 2016 but the custody of the child has not been handed back to the petitioner. Further, the petitioner has not even been allowed to meet his son.

Respondent No.1 is present in Court alongwith the minor child. It is stated that the child could not meet his father as he was residing with her in USA. She is presently in India and due to leave the country on 13.01.2019 alongwith the child. It is further stated by her that she and her son both are green card holders and it is important for them to go back in order to retain the said green card.

No doubt, as per clause in the compromise, the custody was required to be handed back to the father, but much has changed since then. Admittedly, the father too has re-married. In view of the fresh development and after allowing the parties to meet each other for almost three hours, both have come back to the Court after lunch break and have agreed to the following terms:

- “(i) The petitioner will be allowed to take his son with him on 12.01.2019 by 9.00 a.m.. He shall take the child from the residence of respondent No.1 at Gurugram and will drop the child back home at Gurugram by 5.00 p.m.;
- (ii) The respondent is free to leave the country alongwith the minor child as already planned;
- (iii) admittedly, the summer holidays commence on 22.06.2019 which will continue upto 06.09.2019. The minor

child Mahir Manchanda will spend half of the holidays with his father in India, i.e. from 25.06.2019 to 25.07.2019, for which necessary arrangements shall be made by the respondent-mother for the minor child to come to India.”

This Court may note that the above order is as per the choice of the petitioner and respondent No.1 as well as taking into account the wish of the minor child, Mahir Manchanda. This Court may also note that the child looks bright, intelligent, seems good educated and is being well brought up by his mother. Both the parties will be bound by the above order.

The application stands disposed of.

In view of the above, nothing survives in the main petition. The same is preponed and is dismissed accordingly.

The Rule issued against the respondents stand discharged.

In case of any violation of the above order, parties are at liberty to move an application for its revival.

January 09, 2019
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(NIRMALJIT KAUR)
JUDGE

1.	Whether speaking/reasoned ?	Yes/No
2.	Whether reportable ?	Yes/No