

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-19592-2019 in/and
CRM-M-22747-2019 (O&M)
Date of Decision:- 9.7.2019

Monika ... Petitioner

Versus

State of Punjab and others ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Deepak Aggarwal, Advocate, for the petitioner.

Ms. Amarjit Kaur Khurana, Sr. DAG, Punjab.

Mr. Gurvinder Singh Aulakh, Advocate, for respondent No.5.

GURVINDER SINGH GILL, J. (Oral)

CRM-19592-2019

This application has been filed seeking preponement of the matter which stands fixed for 20.8.2019. Another prayer has been made for taking on record a copy of compromise stated to have been effected amongst the petitioner and respondent No.5-Ranjit Singh and to dispose of the main petition in terms of the compromise.

In view of the reasons mentioned in the application, the matter is preponed and is taken on Board today.

CRM-M-22747-2019 (O&M)

1. I have heard the learned counsel for the petitioner and also the learned counsel representing respondent No.5, who has not disputed the factum of compromise.
2. Petitioner-Monika had approached this Court by way of filing the instant petition seeking quashing of order dated 18.4.2019, passed by respondent No.3, Sub Divisional Magistrate, Bathinda, whereby Mannat, aged 4 ½ years, has been ordered to be sent to the orphan house i.e. Anant Anath Ashram, Village Nathana, District Bathinda.
3. During the course of arguments, addressed before this Court on previous date, it had transpired that the petitioner claimed to have adopted Mannat whereas there were no document to support her claim regarding she having legally adopted the aforesaid Mannat. It has however been submitted before this Court that the petitioner has in her possession all the documents to show that she has been bringing up Mannat since the last couple of years and had also been taking care of her education and is possessed all the receipts to support her claim. It is further the case of the petitioner that she and her husband had adopted Mannat and had taken her custody from respondent No.5 Ranjit Singh and his wife. However, I find that there is no concrete evidence even to show that respondent No.5 is the natural father of minor Mannat.

4. Although the learned counsel for the petitioner as well as respondent No.5 are not disputing the compromise which has been filed as per which the petitioner would not have any objection for custody of the minor with respondent No.5, but since it is noticed that at this stage there is no concrete evidence on the file to show that respondent No.5 is indeed the natural father of the minor Mannat, the petition is disposed of with liberty to either of the parties to approach the Family Court concerned/Appropriate Authority, to move a proper application seeking custody of the minor.
5. Sh. Gurvinder Singh Aulakh, Advocate, representing respondent No.5 has undertaken that his client shall positively move such application within one week from today.
6. In case, any such application is filed, the same shall be disposed of expeditiously by the Court/authority concerned. The applicant would also be at liberty to move an application seeking interim custody which shall be decided forthwith at the earliest by the Court/authority concerned. Till any such application/interim application regarding custody is decided, the custody of the minor child shall remain with respondent No.4-Incharge, Anant Anath Ashram, Village Nathana, District Bathinda.
7. The interim directions regarding visitation shall continue till any other direction as regards visitation/custody/interim custody is passed by Court concerned.

8. The Secretary, District Legal Services Authority, Bathinda, shall also keep a track of the matter and if required, make arrangement for providing legal assistance to either of the parties.
9. The present petition stands disposed of with the aforesaid directions.

July 9, 2019
mohan

(GURVINDER SINGH GILL)
JUDGE

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