

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

FAO No.3473 of 2016 (O&M)
Date of decision: July 09, 2019

Kashmir Singh and another ...Appellants

Versus

Amandeep Kaur and others ...Respondents

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. Gagneshwar Walia, Advocate for the appellants.
Mr. Rajneesh Saini, Advocate for respondent No.1.

Rajan Gupta, J.(oral)

Present appeal is directed against the order dated 7.4.2016, passed by the Guardian Judge, Jalandhar. Respondent-wife Amandeep Kaur preferred a petition for grant of physical custody of the minor child namely, Manpreet Singh. She contended that she was married to late Ravinder Singh as per Sikh religious rites on 28.04.2003. One male child (Manpreet Singh) was born on 25.01.2004. On 01.05.2011, her husband died in a road accident. She alleged that she was harassed by her in-laws. She claimed that she was entitled to custody of her child being his mother. In support of her case, she stepped into witness-box and deposed as PW-1. The respondents refuted her claim and deposed as RW-1 and RW-2. On analysis of the evidence on record, the Guardian Court came to the conclusion that it would be in the welfare of the child to keep him in the custody of the mother. It relied upon judgment reported as *Amit Beri and Anr. Vs. Smt.*

Sheetal Beri, 2006 (4) RCR (Civil) 338. It, thus, passed a decree in these terms. Operative part thereof reads as under:-

“Keeping in view the findings on above issues, present petition is allowed with costs and the respondents No.1 and 2 are directed to hand over the physical custody of minor Manpreet Singh to the petitioner within a period of two months. However, these respondents shall be entitled to meet this child on last Sunday of each month in the premises of Gurudwara situated nearest to the residence of petitioner. Further, if the petitioner arranges her re-marriage, she will hand custody of this minor child to the respondents No.1 and 2.”
(Operative part of the judgment is taken from the certified copy (there being typographical error in the true typed copy thereof)).

Admittedly thereafter, respondent No.1 Amandeep Kaur has remarried. It is also not disputed that custody of the child is already with the appellants, who are paternal grandparents of the minor.

In view of above, it appears that decree has been satisfied. No other issue survives in the appeal. Dismissed.

(RAJAN GUPTA)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

July 09, 2019
 'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No