

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

1.

FAO-5581-2017

Date of Decision:22.04.2019

Madan Lal

. Appellant

Vs.

Manjot Sharma minor through his mother

. Respondent

2.

FAO-7727-2017

Paramjit Kaur @ Rajni

. Appellant

Vs.

Madan Lal

. Respondent

**CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN
HON'BLE MR.JUSTICE HARNARESH SINGH GILL**

Present: - Mr.Tribhawan Singla, Advocate,
for the appellant (in FAO-5581-2017)
for the respondent (in FAO-7727-2017)

Mr.Hitesh Verma, Advocate,
for the appellant (in FAO-7727-2017)
for the respondent (in FAO-5581-2017)

RAKESH KUMAR JAIN, J. (ORAL)

This order shall dispose of two appeals bearing **FAO-5581-2017** titled as **“Madan Lal Vs. Manjot Sharma (minor) through his mother”** [hereinafter referred to as ‘the 1st appeal’] and **FAO-7727-2017** titled as **“Paramjit Kaur @ Rajni Vs. Madan Lal”** [hereinafter referred to as ‘the 2nd appeal’] as the 2nd appeal was ordered to be heard with the 1st appeal vide order dated 28.11.2017 passed in the 2nd appeal.

In brief, the 1st appeal has been filed by Madan Lal being aggrieved against the judgment and decree dated 15.7.2017 passed by the

District Judge, Family Court, Barnala in a suit filed under Order 33 and Rules 1 & 2 of the CPC in *forma pauperis* for recovery of maintenance under the Hindu Adoptions and Maintenance Act, 1956 and also for permanent injunction. The 2nd appeal has been filed by Paramjit Kaur @ Rajni, divorced wife of Madan Lal, against the order dated 28.10.2017 passed by the District Judge, Family Court, Barnala by which application filed under Section 25 of the Guardians and Wards Act, 1890 for seeking custody of minor Manjot Sharma has been allowed.

It is an admitted case that a compromise had been arrived at between them before the Mediation and Conciliation Centre of this Court, which was reduced into writing on 19.1.2018. However, in terms of the compromise, both the appeals were to be disposed of but Madan Lal had made a complaint to this Court that Paramjit Kaur @ Rajni is not complying with the conditions of compromise much less contained in Clause 6(b) (i) and (ii) as she is not allowing him to meet his son Manjot Sharma. In view thereof, the case was adjourned on 28.3.2019 for today and the parties were directed to be present in Court.

We have interacted with Madan Lal, his divorced wife Paramjit Kaur @ Rajni and their son Manjot Sharma in our Chambers. There was some reservation shown by Manjot Sharma, aged 9 years, in going to the house of Madan Lal on the pretext that his other wife, namely, Jasbir Kaur is not behaving properly with him. During interaction, Madan Lal has assured us that Manjot Sharma would not face any kind of difficulty in future insofar as his wife Jasbir Kaur is concerned. Paramjit Kaur @ Rajni has also submitted before us that she has no objection if the child Manjot Sharma is taken by Madan Lal to his house in terms of the conditions of the compromise much less contained in Clause 6(b) (i) and (ii).

In view thereof, no further order is required to be passed in the present appeals which are hereby disposed of in terms of the compromise arrived at between the parties dated 19.1.2018.

A photocopy of this order be placed on the file of connected case.

(RAKESH KUMAR JAIN)
JUDGE

(HARNARESH SINGH GILL)
JUDGE

22.04.2019
Vivek

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