

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
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LPA No.1390 of 2016 (O & M)
Date of Decision: July 15, 2019

Mandeep Kaur Brar

..... APPELLANT

VERSUS

U.T. Chandigarh & others

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE RAJIV SHARMA**
 HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

. . .

PRESENT: - Mr. Saurabh Kaushik, Advocate, for the appellant.

Mr. Sukant Gupta, APP for U.T. Chandigarh.

Mr. Baljinder Singh, Advocate, for respondent Nos.4 to 7.

Dr. Amarpreet Kaur Sandhu, Advocate – Mediator.

Mr. J.S. Gill, Advocate – Amicus Curiae.

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Rajiv Sharma, J (Oral)

This appeal has been instituted against order dated 13.07.2016 rendered by the learned Single Judge in Criminal Writ Petition No.822 of 2016 whereby custody of two minor children, 8 years and 5 years respectively, has been handed over to father.

It transpires during the hearing of this appeal that respondent – husband has instituted a divorce petition bearing No.DMC-655 of 2017 in

the Court of learned Additional District Judge, Patiala in the month of April 2016. The appellant herein has also instituted a petition under the Hindu Minority and Guardianship Act, 1956 seeking custody of the minor children which is pending in the Court of Additional Civil Judge, Nabha.

As far as custody of children is concerned, the paramount consideration is welfare of the children. Presently, the children are pursuing their studies in a public school and the funds are being provided by the father.

In the interest of justice, learned Additional District Judge, Patiala is directed to decide the petition instituted by husband under Section 13 of Hindu Marriage Act within a period of six months. Learned Additional Civil Judge, Nabha is also directed to decide the petition in accordance with law, instituted by the appellant under the Hindu Minority and Guardianship Act, 1956 within a period of four months from today.

It is made clear that since children happen to be daughter and son, mother would have absolute right to visit the children every week on each Sunday at 10:00 AM till 02:00 PM.

In the meantime, the husband is directed to provide the maintenance to the appellant @ ₹ 6,000/- per month as directed by the trial court in the proceedings instituted by the appellant under Section 125 Cr.P.C. regularly.

The respondent – husband is directed to bring the children on each and every Sunday at 10:00 AM in Ellante Mall, Industrial Area, Chandigarh.

The Court appreciates the valuable assistance rendered by
Mr. J.S. Gill, Advocate – Amicus Curiae and Dr. Amarpreet Kaur Sandhu,
Advocate – Mediator in resolving the matter.

Disposed of accordingly.

(Rajiv Sharma)
Judge

(Harinder Singh Sidhu)
Judge

July 15, 2019
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No