

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

**CR No.2630 of 2021 (O&M)**

Date of decision: 26<sup>th</sup> November, 2021

Paramjit Kaur

... Petitioner

Versus

Gurpreet Kaur & another

... Respondents

**CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present: Mr. K.B. Raheja, Advocate for the petitioner.

Mr. Sunny Singla, Advocate for the respondents.

**FATEH DEEP SINGH, J.**

The instant revision by widowed mother Paramjit Kaur present petitioner has come about challenging order dated 05.10.2021 (Annexure P7) of the Court of learned Principal Judge (Family Court), Camp Court, Malerkotla whereby in a petition under Section 25 of the Guardian and Wards Act, 1890 and Section 6 of the Hindu Minority and Guardianship Act, 1956, the Court has made an order granting visitation rights to the grandparents Gurpreet Kaur and Naurang Singh, the present respondents.

Undisputedly the marriage between Paramjit Kaur and Gurbinder Singh (now deceased) son of respondents Gurpreet Kaur and Naurang Singh was solemnized on 27.09.2009 out of which a male child Sanamveer Singh was born to the couple on 09.09.2011. Unfortunately, Gurbinder Singh husband of the present petitioner died on 01.07.2018. It is subsequent thereto on account of estrangement in the relations the

grandparents filed a petition under Section 25 of the Guardian and Wards Act, 1890 read with Section 6 of the Hindu Minority and Guardianship Act, 1956 seeking custody of the minor grandson Samarveer Singh, wherein the impugned order was passed granting visitation rights to the grandparents.

Heard Mr. K.B. Raheja, Advocate for the petitioner; Mr.Sunny Singla, Advocate for the respondents and perused records of the case.

The factual scenario of the present case is not at all put to question and what is the antagonizing factor for the petitioner mother is the grant of visitation rights to the respondent grandparents. No doubt, the child as on date is aged around 11 years (date of birth 09.09.2011) and the mother can claim superior custody rights of the child. However, in the light of provisions enshrined under Section 8 of the Guardian and Wards Act persons detailed therein can seek and are entitled to apply for an order under the Act. Earlier a dispute had ensued between the parties which is placed on record as (Annexure P1) by the petitioner herself which is dated 14.08.2018 before the village panchayat where too visitation rights were acknowledged by the two sides. The Courts have to consider the welfare of a minor child which is of a paramount consideration and to ensure and safeguard family system in the country which is fast eroding and to ensure that there is overall development of the minor child and there is proper environment and upbringing of the child and therefore, in the welfare of the child to prevent any untoward misgiving in the mind of the child which might adversely impact his

upbringing, there needs to be a scheme which could advance the requirements of law and ensure that the best interest of the child are taken care.

The counsel during the course of their arguments have fairly conceded that the impugned orders which grants visitation rights to the grandparents be modified and in the light of concurrence of the two sides, all the terms spelled out in the impugned order by the learned Principal Judge (Family Court), Camp Court, Malerkotla dated 05.10.2021 would remain the same. However, the meeting place would be the office of District Child Protection Officer, Malerkotla where the grandparents would be able to meet and interact with Samarveer Singh between 10:00 a.m. to 5:00 p.m. in the presence of representative of the District Child Protection Officer to ensure safety of the child and that nothing untoward happens. However, the mother may also be present but at some distance to ensure that the interaction between the grandparents and the grandchild is not interrupted. Rest of the conditions laid in the impugned order need not be disrupted.

The present petition stands dismissed and disposed off accordingly. The parties shall be bound by this order with immediate effect.

**(FATEH DEEP SINGH)**  
**JUDGE**

**November 26, 2021**

*rps*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No