

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

1. FAO-5361-2009 (O&M)

Navjote Kaur

....Appellant

VS.

Deependra Singh Garcha

...Respondent

2. FAO-1384-2010 (O&M)

Deependra Singh Garcha

....Appellant

VS.

Navjote Kaur

...Respondent

Date of decision 04.03.2022

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: Mr. R.S. Bains, Sr. Advocate with
Ms. Arshnoor Kaur, Advocate
for the appellant in FAO No. 5361-2009
and for the respondent in FAO No. 1384-2010

Mr. Rahul Sharma, Advocate
for the appellant in FAO No. 1384-2010
and for the respondent in FAO No. 5361-2009

Ritu Bahri, J. (Oral)

C.M. No. 23698-CII-2019 IN FAO-5361-2009

Application is allowed as prayed for.

Accordingly, affidavit of the appellant-Navjote Kaur is taken on record.

C.M. No. 9206-CII-2018 IN FAO-5361-2009

The present application has been filed by the appellant-Navjote Kaur seeking release of fixed deposit of Rs.20 lakh.

This Court on 16.12.2011 passed following order in FAO No. 5361-2009:-

*We have heard learned counsel for the parties at length and we are of
the opinion that the orders passed by the learned trial Court while*

dismissing the petition of the respondent require interim modifications.

The mother is entitled to seek immigration for the child- Gunendra Singh Garcha to Canada subject to the following conditions:

1. That the father will be given access to meet and spend time with the minor child for 6 weeks in a calendar year starting from 1st of January, 2012. The period of 6 weeks can be in one or two spells which may vary according to the vacation period in the school of the minor child to which he may be admitted in Canada. It shall be open to the parties to schedule this time of 6 weeks in winter and summer vacations as per the school schedule of the minor child.

2. Out of such 6 weeks of access, it is open to the respondent-father to visit the child once in Canada. It shall be the responsibility of the mother to arrange for the visit of the child once in a year for spending time with his father exclusively in India.

3. Such schedule of school of the child shall be disclosed on affidavit before this Court in August/September every year.

4. The mother shall deposit a sum of Rs.20 lacs by way of fixed deposit in the name of the minor child Gunendra Singh Garcha. The said fixed deposit shall be kept with the Registrar of this Court to ensure that the father is provided access to the minor child by the appellant for 06 weeks in a calendar year.

5. In the event there is any violation of the order, it shall be open to the father to seek the assistance of Indian High Commission or the Government of Canada to seek enforcement of this order.

The mother is permitted to start permanent immigration process to Canada, but the child will not be flown to Canada, till such time an affidavit of compliance of the directions of this Court is furnished to this Court.”

Learned counsel for the parties have informed the Court that the marriage between the parties was solemnized on 24.09.2001 and out of this wedlock, one son namely Gunendra Singh Garcha was born on 15.05.2003 and now he has attained majority.

This fact is not disputed by learned counsel for the respondent

that Gunendra Singh Garcha has attained majority.

Thus, now Gunendra Singh Garcha has an independent right to meet his parents.

Since, Gunendra Singh Garcha has attained majority, the present application is allowed and Registry of this Court is directed to transfer fixed deposit of Rs.20 lakh deposited by the appellant, pursuant to order dated 16.12.2011, in his account as mentioned in the affidavit of the appellant dated 24.07.2019 with the application C.M. No. 23698-CII-2021.

FAO No. 5361-2009 and 1384-2010

On oral request of learned counsel for the parties, the appeals are taken up today itself for disposal.

The appellant-Navjote Kaur has approached this Court against certain clause of the judgment dated 16.05.2009 wherein the respondent-father was allowed to take the child to his residence and the child is allowed to remain with him at least half of the vacation period and on the festivals as well as two weekends in a month.

Keeping in view the fact that now Gunendra Singh Garcha is residing with her mother-Navjote Kaur happily and has attained majority and the fact that now Gunendra Singh Garch a has an independent right to meet his parents, no further orders are required to be passed in the above appeals.

The appeals stand disposed of.

(RITU BAHRI)
JUDGE

04.03.2022

G Arora

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No