

FAO-10759 of 2018

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

FAO-10759 of 2018
Date of Decision: 07.05.2022

Pawanjit Kaur

...Appellant

Versus

General Public and another

....Respondents

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

Present:- Mr. Amardeep Singh Gill, Advocate,
for the appellant.

Mr. Vishal Sharma, Advocate,
for respondent No.2.

RITU BAHRI, J. (ORAL)

Present appeal has been filed by Pawanjit Kaur against the judgment and decree dated 14.08.2018 passed by District Judge (Family Court), Shaheed Bhagat Singh Nagar, whereby a petition filed by her under Section 7 of the Guardians and Wards Act for declaration of the appellant as guardian of minors, namely, Manvir Kaur (date of birth: 30.11.2007) and Tanvir Kaur (date of birth: 22.11.2008), was dismissed on the ground that special power of attorney Ex.P1 had been given for a particular purpose i.e. for setting aside the divorce proceedings and for pursuing maintenance case filed for maintenance of children. Merely because it is mentioned in the special power of attorney that the attorney will look after her children does not mean that executant Pawanjit Kaur

FAO-10759 of 2018

has appointed her father Sansar Singh to file a petition for declaring the appellant as the guardian of the person of the minor children. On this technical ground petition was dismissed.

Heard learned counsel for the parties.

Mr. Vishal Sharma, learned counsel for respondent No.2-Hardev Singh states that he has no objection in allowing the present appeal as both the girls are minor and genuineness of the power of attorney is not in dispute.

Since minor children are staying with their maternal grandfather Sansar Singh and they cannot go and stay with their mother Pawanjit Kaur, who is residing Greece after getting a decree of divorce on 24.08.2015, this appeal deserves to be allowed. Hence, order dated 14.08.2018 passed by District Judge (Family Court), Shaheed Bhagat Singh Nagar, is being set aside and custody of minor daughters namely, Manvir Kaur and Tanvir Kaur is being given to Pawanjit Kaur and she is appointed as a legal guardian of these children.

(Ritu Bahri)
Judge

(Ashok Kumar Verma)
Judge

May 07, 2022
R.S.

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No