

CRWP-2950-2022

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRWP-2950-2022

Decided on : 25.04.2123

Birpal Kaur

. . . Petitioner(s)

Versus

State of Punjab and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Himanshu Puri, Advocate for
Mr. Sunny K. Singla, Advocate
for the petitioner(s).

Mr. J.S. Arora, DAG, Punjab.

Mr. Ankit Aggarwal, Advocate
for respondent No.6.

SANJAY VASHISTH, J. (Oral)

1. Petitioner – Birpal Kaur, aged 29 years, has filed the instant petition, for seeking custody of her two minor children from respondent No.6 i.e. her mother-in-law (Sharda Devi).

2. On joint request of the petitioner and private respondent No.6, vide order dated 20.03.2023, issue of custody of the minor children was recommended to the Mediation and Conciliation Centre of this Court, for finding out some amicable solution. Order dated 20.03.2023, says as under:-

“ Present petition has been filed by mother to seek custody of her two children namely, Tanis, aged about 9 years and Manish, aged about 6/7 years, who are staying with their grand mother (respondent No. 6).

Learned counsel for the petitioner as well as counsel for respondent No. 6 make joint request to refer the matter to the Mediation and Conciliation Centre of this Court for some amicable settlement, in regard to the custody of two minor

children.

In view of the stands of the parties, petitioner and respondent No. 6 are directed to appear before Mediation and Conciliation Centre of this Court on 29.03.2023.

Report of the Mediator be awaited for 25.04.2023.

However, it would be open for the petitioner to make request to Learned mediator for the presence of both children before Mediation and Conciliation Centre of this Court and accordingly, if any such request is made, learned Mediator would consider the same, according to the situation.”

3. Report of the Ld. Mediator of the Mediation and Conciliation Centre of this Court is available at Flag ‘X’ in the case file. A perusal of the same shows that issue of custody of both the minor children has been settled finally by peaceful means, which resulted into execution of settlement/agreement dated 21.04.2023. Said settlement/agreement is made part of the record of the present petition i.e. CRWP-2950-2022. Registry is directed to tag the same at appropriate place in the case file.

4. In compliance of condition No.7 (b) of the aforesaid settlement/agreement, respondent No.6, is present in Court in-person along with both the minor children (alleged detenues) namely Tanis and Manish. Petitioner – Birpal Kaur is also present in-person in Court today, and she has been identified by her counsel Mr. Himanshu Puri, Advocate. Both the children (alleged detenues) have been handed-over to the petitioner in Court today, in the presence of counsel representing the petitioner as well as respondent No.6.

5. The wish of the petitioner, as sought to be fulfilled through present petition, has been accomplished by amicable means, with the efforts of Ld. Mediator of the Mediation and Conciliation Centre of this Court.

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Further, in compliance to the condition No.7(f) of the settlement/agreement i.e. *“Both the parties have further agreed that they shall withdraw all their pending cases.”*, counsel for the petitioner seeks withdrawal of present petition.

6. Disposed of being withdrawn.

(SANJAY VASHISTH)
JUDGE

April 25, 2123

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No