

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

FAO-1737-2021 (O&M)

Date of Decision: April 13, 2023

NIRPAL SINGH AND ANOTHER

..... Appellants

Versus

HARPREET KAUR

..... Respondent

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE RITU TAGORE**

Present: Mr. Sukhjit Singh, Advocate for the appellants.

Mr. Vishal Sharma, Advocate for the respondent.

LISA GILL, J.

This appeal has been filed by the appellants, who are paternal grandparents of the minor child, challenging judgment dated 16.11.2019 passed by the learned Additional Principal Judge Family Court, Ludhiana, whereby petition under Sections 7, 8, 9, 10, 17 and 25 of the Guardian and Wards Act, 1890 filed by the appellants seeking guardianship and custody of minor child, was dismissed.

Learned counsel for the parties submit that during pendency of this appeal, parties were referred to Mediation and Conciliation Centre of this Court. The matter has been amicably resolved between the parties before the Mediation and Conciliation Centre. Terms and conditions of the settlement were reduced in writing on 13.03.2023. Said compromise dated 13.03.2023 is taken on record as Annexure A1, subject to just exceptions. Relevant terms and conditions of the settlement dated 13.03.2023 read as under:-

“a) The parties have mutually agreed to put an end to all litigation present and future. First Party has earlier made a FDR in the name of Sehajpreet Kaur under guardianship of Nirpal Singh- first party and nominee as Grand mother- Manjit Kaur under the order of this Hon'ble Court. Now it has been agreed that first party will get this FDR bearing account no.40987852807 dated 17.05.2022 term five years in the name of Ms. Sehajpreet Kaur under the guardianship of second party mother Harpreet Kaur before the next date of hearing before this Hon'ble Court and will handover the changed FDR of Rs.5,00,000/- (Five Lakh) as on date to the second party. The earlier original one has been handed over to the first party for getting the necessary correction done. The said FDR shall be made till the minor girl attains majority or for the maximum period as per the bank norms. The said FDR will not be encashed by the second party mother before minor daughter Sehajpreet Kaur attains majority and the amount will only go to daughter Sehajpreet Kaur along with the accrued interest on the principal amount. After attaining majority the said money can be used for higher study of Sehajpreet Kaur and general well being. The custody of minor child will remain with the mother for all times. Nobody will remove minor daughter from the custody of Harpreet Kaur by force. After attaining majority minor daughter will be at liberty to join anybody's company.

b) It has been agreed between the parties that the first party grandparents can meet Sehajpreet Kaur on second and fourth Sunday of every month from 11:00 AM to 03:00 PM at Gurduwara Tahliana Sahib, Raikot, District Ludhiana. The first party has no objection if Harpreet Kaur who happens to be still their daughter-in-law if she joins the company of Sehajpreet Kaur during the visitations. As per the wish and comfort of minor daughter-Sehajpreet Kaur, she may visit her grandparents house during visitations hours and even stay for a night with the first party in the summer as well as in winter vacation. They have further no objection if the second party and her daughter wish to come to their home they are more than welcome as they still are party of that family. It is clear between the parties that the visitation rights should not be hindrance in the mental and physical growth of the minor girl child as her well being is of paramount consideration.

FAO-1737-2021 (O&M)

-3-

c) It is further agreed by the first party that they will withdraw the present FAO on the date fixed in view the present settlement between the parties. It is further agreed that both the parties along with their family members will not file any fresh litigation arising of the present dispute. Both the parties have shed their grudges against each other side.

d) Both the parties have agreed that they will not defame or malinge the image of each other in the society and will live peacefully.”

It is informed that in terms of settlement dated 13.03.2023, FDR for a sum of ₹5 lakhs in favour of the minor child with mother as a Guardian has been prepared and shall be handed over to the mother within the next one week. Photocopy of the same is taken on record subject to just exceptions.

Learned counsel for the parties submit that both the parties shall abide by the terms and conditions of the settlement.

Learned counsel for the appellants submits that this appeal be disposed of in terms of the settlement dated 13.03.2023.

Keeping in view the settlement as has been arrived at between the parties, present appeal is disposed of accordingly.

Pending application(s), if any, are disposed of accordingly as well.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

April 13, 2023
Rts

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No