

CRM-W No. 1237 of 2024 in/and
CRWP No. 8371 of 2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-W No. 1237 of 2024 in/and
CRWP No. 8371 of 2024
Date of Decision: 04.10.2024

Mahabir and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ankur Malik, Advocate
for the applicants-petitioners.

Ms. Swati Batra, D.A.G., Punjab.

Mr. Akash Singla, Advocate
for respondent No.3.

* * * *

ANOOP CHITKARA, J.

On joint request of counsel for the parties, the main case itself is taken on Board today.

Grandparents of 12 years child has come up before this Court under Section 528 BNSS, 2023 seeking visiting rights and custody.

Respondent No.3 has already filed his reply in which she has opposed the same on the ground of mental cruelty to the child considering the fact that 12 years child knows good and bad and is influenced.

I have heard counsel for the parties and have gone through the record and its analysis would lead to the following outcome.

Petitioner No.1 i.e. grandfather of the child is 72 years of age and petitioner no.2 i.e. grandmother of the child is 71 years of age. In addition to the parents, the child was also raised by the grandparents and they have emotional connection and attachment with him. At this stage, it is natural for them to miss the child.

Counsel for respondent No.3 opposed any such rights and stated that on the last occasion at the asking of this Court the child had meeting with the petitioners,

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they had tried to tutor him against respondent No.3 by explicitly telling that he was successor in the family and they had filed a case and will take his custody. The child got disturbed and was under stress because of such words. This Court is aware of the limited rights considering that there is statutory provision and also the parties have entered into settlement mentioning the terms thereof.

Since respondent No.2 is stated to have suffered fracture on leg and is not in a position to travel, in these circumstances, respondent No.3 is directed to produce the child and hand over his temporary custody to petitioners on 12.10.2024 from morning till evening. Whatever gifts respondent No.3 will send to the child, the petitioners are directed to accept the same. Petitioners are directed to greet the respondent No.3 with utmost respect and decency and also provide necessary food during her stay. They are directed not to use any harsh language or to make gestures or to make any taunts. Similarly, respondent No.3 will adhere to all such directions which have been passed to petitioners. For any reason if the child cannot meet on Dussehra then he meet the grandparents on next school holiday. In case of any difficulty, the parties are requested to interact with their counsel and the counsel interact with each other and find a solution.

Given above, the present petition is disposed of with the aforesaid relief. Liberty reserved to come again if needs arises. All pending applications, if any also stands disposed.

(ANOOP CHITKARA)
JUDGE

04.10.2024
Jyoti Sharma

Whether speaking/reasoned:	Yes
Whether reportable:	No.