

**CRWP-10884-2023****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.****221****CRWP-10884-2023****Date of Decision: 13.11.2024****MARJEENA ALIAS MERJINA****...PETITIONER****VERSUS****STATE OF UT CHANDIGARH AND OTHERS****....RESPONDENTS****CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present: Mr. Amandeep Singh Jawandha, Advocate,
alongwith petitioner in person.

Mr. Bishan Dass Rana, Advocate,
alongwith respondent No.5 in person.

Mr. Rajiv Vij, APP, UT, Chandigarh.

KARAMJIT SINGH, J.(Oral)

The present petition has been filed by the petitioner by way of issuance of writ in the nature of Habeas Corpus seeking release of her daughter namely Aisha, who is stated to be in the illegal custody of respondent No.5 (husband).

2. Respondent No.5 made statement that on the last date of hearing matter was referred for Mediation, wherein the matter has been settled and concerned Settlement Deed dated 07.11.2024 is executed between the parties. It is further stated that the terms and conditions recorded in aforesaid settlement deed are acceptable to respondent No.5 and that the present petition be disposed of in light of the aforesaid settlement.

3. The petitioner, who has also appeared in person alongwith her counsel submits that she is willing to get the custody of her minor daughter,



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who is aged about 13 years and is presently living with her husband i.e. respondent No.5.

4. It appears that during mediation, it was settled between the parties that both the parties will meet on second Saturday and fourth Sunday of each month at a common place alongwith their children.

5. The petitioner is claiming custody of her minor daughter, aged about 12/13 years, who is studying in 8th class in Government Senior Secondary School, in the area of Chandigarh.

6. From the perusal of the aforesaid facts and circumstances of the case, this Court is of the view that petitioner has prima facie failed to establish that her minor daughter aged about 12/13 years is in illegal custody of any person including respondent No.5. In case the petitioner is claiming custody of said minor child being her mother, then she is at liberty to avail the efficacious remedy as is available under the law.

7. In light of the above, the present petition is hereby disposed of in aforesaid terms. However, the parties are to remain bound by the settlement dated 07.11.2024, which was effected between the parties during the mediation proceedings. The said settlement deed is directed to be taken on record of this petition.

(KARAMJIT SINGH)
JUDGE

13.11.2024
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No