

Pooja Badhadur

Vs

Uday Bahadur

Civil Appeal No. 2901 of 1999

(S. B. Majmudar, D. P. Mohapatra JJ)

11.05.1999

JUDGMENT

D.P. Mohapatra, J.

1. Leave granted.
2. We have heard learned counsel for the parties.
3. We also tried to work out an amicable settlement between the parties, at least regarding custody of minor children. Various interim orders were passed. The latest interim order regarding access of the minor children to be given to the mother was passed on 26th March, 1999 granting access to the mother on alternative Saturdays listed therein.
4. The appeal arises out of an appellate order of the High Court of Punjab and Haryana at Chandigarh, taking the view that custody proceedings by the mother would lie in the Guardian and Wards Court at Delhi and not in a Court at Chandigarh. As the minor children are residing with the father at Delhi no fault can be found with that order.
5. We, therefore, while disposing of this appeal, direct the transfer of custody proceedings from Chandigarh Court to be filed before Guardian and Wards Court, Delhi/District Court, Delhi. The District Court, Delhi shall proceed to deal with this matter at its earliest convenience and may decide the same on its own merits, after hearing the parties in these proceedings.
6. Arrangement of giving access of the minor children to the appellant-mother on alternative Saturdays will continue on same terms and conditions, that is, they will be allowed to meet the mother from 11.00 a.m. in the morning of each alternative Saturday till 11.00 a.m. of the succeeding Sunday. This arrangement will be continued till further orders of the Guardian and Wards Court at Delhi. We make it clear that the Guardian and Wards Court will decide the question of further interim or final relief strictly on its own merits, without in any way being affected by the interim arrangement which is directed to be continued, without prejudice to the rights and contentions of both the parties, by our present order.

The Civil Appeal is disposed of accordingly.

No costs.

