

IN THE COURT OF MS. GURPREET KAUR, PCS, ADDL.CIVIL JUDGE
(SENIOR DIVISION), GURUHAR SAHAI. (UID NO.PB0323).

Case No.1/14.03.2018.
CNR NO.PBFZDO-000132-2018.
CIS NO.GW/01/2018.
Decided on:-23.04.2018.

Tarsem Singh Sandhu, aged 37 years son of Mukhtiar Singh son of Buta Singh, resident of village Chak Kandhe Shah, Tehsil Guruhar Sahai, District Ferozepur.

.....Applicant.

Versus.

Kulbir Kaur Sandhu wife of Tarsem Singh Sandhu, daughter of Gurdeep Singh son of Sohan Singh, resident of village Gulami Wala (Basti Allahabad) Tehsil and District Ferozepur.

.....Respondent.

**PETITION U/S 25 OF THE GUARDIAN AND
WARDS ACT.**

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Present:- Sh.R.K.Monga, Advocate counsel for applicant.
Sh. Ramesh Singh, Advocate counsel for respondent.

--JUDGMENT--

1. The applicant has filed present petition under section 25 of Guardian and Wards Act, for taking the custody of minor children namely Ashmeen Kaur Sandhu and Ranbir Singh Sandhu from the respondent, living with her at village Gulame Wala, Basti Allahabad, Tehsil and District Ferozepur.

2. Briefly put the facts of present application are that the marriage between the parties was solemnized 28.03.2004 at Kulgarhi Palace, Ferozepur and after the marriage, they lived together and cohabited with each other as husband and wife and out of their wedlock two children namely Ashmeen Kaur Sandhu and Ranbir Singh Sandhu were born. At

present, the age of Ashmeen Kaur Sandhu is about 10 ½ years and that of Ranbir Singh Sandhu is about 7 ½ years. Due to differences of opinion and temperament, the applicant and respondent have filed divorce petition under section 13-B of Hindu Marriage Act 1955 for dissolution of their marriage by way of decree of divorce by mutual consent and said petition was accepted by the court of Learned Addl. Civil Judge (Sr.Division), Guruhar Sahai vide its judgment decree dated 30.11.2016. During said petition, the children were residing with respondent and it was settled that they will remain with the applicant but the respondent has not handed over the custody of said minor children. The behaviour of the respondent towards the children is not good and respondent is unable to look after and take care of children as the respondent is trying to get second marriage. Hence, this petition.

3. Upon notice issued to the respondent, she appeared in person in the Court and got recorded her statement to the effect that she has no objection if the custody of minor namely Ashmeen Kaur Sandhu and Ranbir Singh Sandhu, be given to the applicant namely Tarsem Singh Sandhu. She further deposed that earlier, they have also dissolved by mutual consent vide decree dated 30.11.2016 passed by the Court of the then Learned Addl. Civil Judge (Sr.Division), Guruhar Sahai and minors are residing with applicant Tarsem Singh, as per her wishes and consent.

4. On the other hand, applicant Tarsem Singh Sandhu, also got recorded his statement that he has heard the statement of respondent and as per mutual consent, he is ready to take the custody of minors namely

Ashmeen Kaur Sandhu and Ranbir Singh Sandhu and further stated that a decree may kindly be passed to this effect, in his favour.

5. Perusal of judgment and decree dated 30.11.2016 passed in Petition under section 13-B of Hindu Marriage Act, filed by both the parties, jointly, copy of which is on file, clearly shows that in the same, the marriage of the parties was dissolved with their mutual consent. It further shows that in the same, as per settlement, the custody of children namely Ashmeen Kaur Sandhu and Ranbir Singh Sandhu will remain with the petitioner No.2.

6. The present application has been filed by applicant Tarsem Singh Sandhu for taking custody of minor children namely Ashmeen Kaur Sandhu and Ranbir Singh Sandhu as behaviour of respondent Kulbir Kaur Sandhu towards the minor children is not good. On the other hand, the respondent suffered her statement that she has no objection if the custody of minor children is handed over the applicant.

7. Since, the respondent Kulbir Kaur Sandhu, has no objection in handing over the custody of minors to applicant Tarsem Singh Sandhu, the present application is hereby allowed and custody of minors children namely Ashmeen Kaur Sandhu and Ranbir Singh Sandhu, is handed over to applicant Tarsem Singh Sandhu. Decree sheet be drawn, accordingly and file be consigned to the Judicial Record Room, Guruhar Sahai.

Pronounced:-
23.04.2018.

“Balkar Singh, Stenographer Gr.II”

sd /- (Gurpreet Kaur,PCS,
Addl.Civil Judge(Senior Division)
Guruhar Sahai.(UID NO.PB0323)

