IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CNR No: PHHC011684522026

2026:PHHC:196010

276

CRWP-12052-2026 (O&M)
Date of decision: 02.11.2026

...Petitioner

Versus

State of Punjab and others **...Respondents**

CORAM: HON'BLE MS. JUSTICE NEERJA K. KALSON

Present:- Mr. Dinesh Mahajan, Advocate along with
Ms. Honey Agarwal, petitioner in person.

Mr. Nitesh Sharma, DAG, Punjab.

Mr. Swarn Sharma, Advocate
Mr. Vishal Jartyal, Advocate along with
Mr. Kaushal Kumar, respondent No.4 in person.

NEERJA K. KALSON, J. *(Oral)*

1. The present petition arises out of an unfortunate matrimonial discord between the petitioner and respondent No. 4, which has culminated in a dispute concerning the custody of their minor son . The petitioner-mother has approached this Court seeking restoration of the custody of the minor child, who was allegedly taken away from her by respondent No. 4. The dispute has also involved proceedings before the competent Family Court at Christchurch, New Zealand.

2. During the course of hearing, this Court made earnest efforts to

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explore the possibility of an amicable resolution of the matter, keeping in view the paramount consideration of the welfare and well-being of the minor child. Initially, respondent No. 4 expressed reluctance to hand over the custody of the child to the petitioner. Accordingly, the matter was referred to mediation in the hope that the parties would be able to resolve their differences amicably. However, the mediation proceedings did not yield any fruitful result and the matter was received back with a report of failure of mediation.

3. When the matter was again taken up, this Court considered it appropriate to make a further endeavour towards an amicable settlement, particularly in view of the tender age of the child and the emotional consequences of the continuing dispute between his parents. The parties were, therefore, afforded another opportunity to sit together, reconsider their respective stands and arrive at a mutually acceptable arrangement in the larger interest of the minor.

4. Fortunately, the efforts made by this Court have ultimately borne fruit. With the intervention of the Court and the assistance of learned counsel representing the parties, the petitioner and respondent No. 4 have been able to resolve their differences concerning the custody of the minor child. Respondent No. 4 has agreed to hand over the custody of the minor to the petitioner-mother, subject to certain mutually agreed terms and conditions. The parties have made their respective statements in this regard, which have been recorded separately and shall form part of the record. For the sake of brevity, the joint statement of both the parties is reproduced as under:

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> "Stated that respondent No.4 has agreed to hand over the custody of the minor child, namely, to the petitioner today in Court. Respondent No.4 undertakes to hand over the passport and other documents pertaining to the minor child to the petitioner tomorrow at 11:00 AM at Police Station, Division No.1, Pathankot, whereupon the same shall be released in favour of the petitioner. The petitioner, in turn, undertakes to facilitate a telephonic conversation between the minor child and respondent No.4 every weekend and further undertakes to permit respondent No.4 to meet the minor child at the Airport before leaving the country. Respondent No.4 further states that he shall be at liberty to avail of an appropriate legal remedy for seeking visitation rights in future before the competent Court of law. The parties shall remain bound by their respective statements made before this Court."

5. Before proceeding further, this Court considers it appropriate to record a touching moment witnessed during the proceedings. When the minor child was placed in the lap of his mother, the happiness and comfort reflected in his demeanour were unmistakable. The moment served as a poignant reminder that beyond the competing claims and differences of the parents lies the emotional well-being of an innocent child, which must always remain the foremost consideration in matters of custody.

6. It is heartening to note that the parties have ultimately chosen to set aside their differences, at least insofar as the custody of the minor child is concerned, and have arrived at an amicable settlement. This Court hopes and expects that both parents shall honour the commitments made before it in letter and spirit and shall ensure that their personal differences do not come in the way of the child's upbringing, emotional security and overall welfare.

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7. In view of the settlement arrived at between the parties and the statements recorded separately, the present petition is disposed of in terms of the aforesaid settlement before this Court. Respondent No. 4 shall hand over the custody of the minor child to the petitioner-mother in accordance with the agreed terms and conditions.

8. It is made clear that the welfare of the minor child shall remain the paramount consideration, and the arrangement arrived at between the parties shall be subject to any further orders passed by a court of competent jurisdiction in accordance with law.

9. The petition stands disposed of in the aforesaid terms. All pending miscellaneous applications, if any, shall also stand disposed of.

02.11.2026 **(NEERJA K. KALSON)**
Atul **JUDGE**

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*

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