



FAO-7282-2017 (O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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FAO-7282-2017 (O&M)
Date of Decision :25.09.2025

Pooja Devi and others

...Appellants

Versus

Mamo and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MRS. JUSTICE RAMESH KUMARI**

Present: Mr. Kamaljeet S. Mamrat, Advocate for the appellants.

Mr. Mandeep Singh Bedi, Senior Advocate
(as Amicus Curiea) with Mr. Abhishek Thakur, Advocate.

Mr. Parveen Kumar, Advocate for respondents No.1 & 2.

Mr. Sandeep Chhabra, Addl. A.G. Haryana with
Mr. Rahul Gupta, AAG, Haryana.

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Harsimran Singh Sethi, J. (Oral)

1. Present appeal has been filed by the Massi (maternal Aunt) of the minor children against the impugned order dated 09.08.2017 passed by the Addl. Civil Judge (Sr. Division) Safidon, Jind (hereinafter referred as 'Family Court') by which, the paternal grand mother has been given the custody of the three minor children. The said order is not executed till now keeping in view interim order passed by the Coordinate Bench of this Court.
2. It may be noticed that the mother of the minor children was murdered on 30.10.2014 and the accused of the said murder is the brother of the father of the minor children. At the time when the impugned order dated



09.08.2017 was passed by the Family Court, the said crucial fact was not highlighted and even the same was not in the knowledge of the Family Court when the impugned order granting the custody of the minor children to the paternal grandmother, was passed.

3. It may be further noticed that the father of the minor children is also not alive and hence, this Court finds itself in a position where it becomes duty of this Court to decide about the welfare of the minor children as to whether they will be best taken care of by the paternal grandmother, who has been given the custody of three minor children vide the impugned order or by appellant, who is the Massi (maternal aunt) of the minor children.

4. This Court had appointed Mr. Mandeep Singh Bedi, Senior Advocate as Amicus Curiea to assist the Court qua the said issue and the learned Amicus Curiea submits that as of now all the three minor children are placed in different shelter homes run by the State of Haryana and as per his information, they are happy and their required needs are being taken care of in all aspects including their education by the respective shelter homes and the shelter homes are discharging its duties in a manner required.

5. Keeping in view the fact that custody of the minor children has been granted by the Family Court to the paternal grandmother whose son (brother of the father of minor children) is the accused of killing of mother of the minor children and is presently facing trial against the said accusation, giving custody of the minor children to the paternal grandmother does not seem to be in the favour of the minor children especially, when the eldest minor is the witness in the trial of murder of her mother. As per the report submitted by the Amicus Curiea appointed by this Court states that during



the time minor children have been in shelter home, none from the paternal side even visited to the shelter to meet the children whereas information qua welfare of the minors was being ascertained by the relatives of minor children from maternal side.

6. In the totality of the facts and circumstances of the present case, rather than granting the custody of the minor children to either of the parties, who are litigating as of now, the Deputy Commissioner, Karnal is directed to ensure that all the three minor children will live in the same shelter home so that they can have sibling bond amongst themselves which is very necessary for their upbringing and well-being at this stage of life. The education and other needs of the minor children will also be taken care of by the Deputy Commissioner, Karnal so as to ensure that they are residing in appropriate institution concerned.

7. This Court has been informed that there is a property which comes in the share of the minor children after the death of their father.

8. The said share in property will also be ascertained by the Deputy Commissioner, Karnal after holding due enquiry into the said aspect and whatever share of such property accrues in favour of the minor children, the same will be secured so that they can enjoy the said property in their life which will eventually help them in living a good life. In case the proceeds received from such land in the form of cash, the same be deposited in the name of the minor children so that the same can also accrue interest.

9. Further, the property which comes to the share of the minor children shall be taken care of by the Deputy Commissioner, Karnal so that the same is not alienated in any manner by any one except without the permission of the competent Court of law. Any illegal alienation done will



be taken care of by the Deputy Commissioner, Karnal. The details of the said property will also be ascertained by the Deputy Commissioner, Karnal and as and when the minor children attain the age of majority, all the relevant information qua said land be given to them.

10. Keeping in view the facts and circumstances mentioned hereinbefore, impugned order dated 09.08.2017 passed by the Addl. Civil Judge (Sr. Division) Safidon, Jind, which was passed devoid of the relevant information, is set aside. The minor children will be taken care in a manner prescribed hereinbefore.

11. It may be noticed that for any clarification qua the order passed by this Court today, either by the appellant-Massi (Maternal aunt) or by the Deputy Commissioner, Karnal, they are free to move an appropriate application before this Court.

12. As the other son of the paternal grandmother is facing trial qua the murder of the mother of the minor children keeping in view the said fact, the grandmother will be allowed to meet the minor children twice in a year in case she is interested but the said meeting will take place under supervision of some responsible person so that the child who is a witness in the trial of murder of the mother is not compromised and same is undertaken in a fair and free manner.

13. The concerned Child Development and Project Officer of the city concerned where the minors will be residing will visit the minor children every month to over see that they are being taken care of in the manner required and in case any help is needed for their welfare, the same will be brought to the notice of the Deputy Commissioner, Karnal, who will provide the same and in case any order/direction is needed from this Court,



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they are free to move an appropriate application to that regard.

14. Present appeal is disposed of in above terms.

15. Civil miscellaneous application pending if any is also disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(RAMESH KUMARI)
JUDGE

September 25, 2025

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Whether speaking/reasoned : Yes

Whether reportable : yes