

GAHC010094302022



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Tr.P.(C)./53/2022

SURINDER KOUR
WIFE OF AMARDEEP SINGH, RESIDENT OF HOUSE NO. 23/24, PUNJABI
COLONY, VIP ROAD, HIJUGURI NEAR HOLY CHILD SCHOOL, PS AND
DISTRICT- TINSUKIA, ASSAM, PIN- 786192.

VERSUS

AMARDEEP SINGH
SON OF LATE BOLBIR SINGH, RESIDENT OF AT ROAD, CHILARAI PATH,
WARD NO. 13, NEAR SIKH TEMPLE
PS, SUB-DIVISION AND DISTRICT- SIVASAGAR, ASSAM, PIN- 785640.

Advocate for the petitioner(s): Mr. KK Dey

Advocate for the respondent(s): Mr. A Bhattacharyya

B E F O R E
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

27.05.2024

Heard Mr. KK Dey, the learned counsel appearing on behalf of the petitioner and Mr. A Bhattacharyya, the learned counsel appearing on behalf of the respondent.

2. This is an application seeking transfer of Misc.(G) Case No.2/2022, a proceedings filed under Section 10 and 12 of the Guardian and Wards Act, 1860 (for short, the Act of 1860) for appointing the respondent herein as guardian of the minor child, namely, Master Gurman Singh. Although at that relevant point of time, when the application was filed, the petitioner herein was residing at Tinsukia, but for the last two years, the petitioner is residing at Mangaldai as she is working as a Branch Manager IDBI Bank. The child is presently staying with the petitioner being the mother and is enrolled in a school at Mangaldoi.

3. This Court also takes note of the fact that the respondent herein though is a permanent resident of Sivasagar, but works for gain in the country of Kuwait and he comes to India, in every alternate month.

4. Taking into account that a proceedings under the Act of 1860 has to be primarily at a place where the child ordinarily resides and in the instant case, the child is presently residing at Mangaldai within the jurisdiction of the Court of the learned District Judge, Darrang at Mangaldai. This Court is of the opinion that interest of justice would be met, if the said proceedings being Misc.(G) Case No.2/2022 is transferred from the Court of the learned District Judge, Sivasagar to the Court of the learned District Judge, Darrang at Mangaldai.

5. Under such circumstances, this Court transfers the Misc.(G) Case No.2/2022 from the Court of the learned District Judge, Sivasagar to the Court of the learned District Judge, Darrang at Mangaldai.

6. The learned District Judge, Sivasagar is hereby directed to forthwith upon receipt of a copy of this instant order to transfer the case records of Misc.(G) Case No.2/2022 to the Court of the learned District Judge Darrang at Mangaldai.
7. The Registry is further directed to intimate the Court of the learned District Judge, Sivasagar as well as the learned District Judge, Darrang at Mangaldai about the instant order.
8. Taking into account that both the parties are duly represented, the parties are directed to appear either by themselves or through their counsels before the learned District Judge, Darrang at Mangaldai on 15.07.2024. The learned District Judge, Darrang at Mangaldai shall thereupon proceed with the disposal of the said proceedings in accordance with law.
9. With the above, the transfer petition stands allowed.
10. Interim order passed earlier stands vacated.

JUDGE

Comparing Assistant