

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

TrP (C) No. 60/2023
CM No. 7379/2023

Sonia K Kanwal

.....Appellant(s)/Petitioner(s)

Through: Mr. Navyug Sethi, Advocate.

vs

Kulbir Singh

..... Respondent(s)

Through: Ms. Mandeep Reen, Sr. Advocate with
Ms. Sanchi Gupta, Advocate.

Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

ORDER
29.07.2026

1. This petition has been filed by the petitioner-wife seeking transfer of the petition filed by the respondent-husband, under Guardian and Wards Act, titled as "*Dr. Kulbir Singh vs. Dr. Sonia K Kanwal*" from the court of learned Principal District and Sessions Judge, Anantnag to any other court of competent jurisdiction at Jammu, on the ground that the petitioner being a lady is not in a position to appear before the court of Principal District and Sessions Judge, Anantnag, and also she has to look after a minor daughter, who is school going child, regarding whom the respondent has filed the petition for grant of custody.
2. Respondent has filed the response, stating therein that the respondent is a surgeon and working as a CMO in the emergency wing of GMC, Anantnag, therefore, unable to leave his place of posting as his

services are emergent in nature. It is further submitted that proceedings in the petition under Section 13 of the Hindu Marriage Act, for dissolution of marriage are pending before the court of Principal Judge, Family Court, Jammu.

3. Heard learned counsel for the parties.

4. This is admitted case of the parties that the respondent has filed a petition under Section 13 of the Hindu Marriage Act for dissolution of marriage, which is pending before the court of Principal Judge, Family Court, Jammu. The petitioner, admittedly, is residing at Jammu with minor child, for whose custody, petition titled as "*Dr. Kulbir Singh vs. Dr. Sonia K Kanwal*" has been filed by the respondent under Guardian and Wards Act before the court of learned Principal District and Sessions Judge, Anantnag.

5. In view of the above, this Court is of the considered view that the petitioner would be able to contest the petition filed by the respondent effectively only if the petition pending before the court of learned Principal District and Sessions Judge, Anantnag is transferred to the court of Principal Judge, Family Court, Jammu, where the petition filed by the respondent under Section 13 of the Hindu Marriage Act, for dissolution of marriage, is already pending.

6. In view of the above, the present petition is allowed and the the petition titled as "*Dr. Kulbir Singh vs. Dr. Sonia K Kanwal*" filed by the respondent under Guardian and Wards Act, is transferred from the court of learned Principal District and Sessions Judge, Anantnag to the court of learned Principal Judge, Family Court, Jammu.

7. Principal District and Sessions Judge, Anantnag shall transmit the record of the petition titled as “*Dr. Kulbir Singh vs. Dr. Sonia K Kanwal*” to the Principal Judge, Family Court, Jammu.
8. **Disposed of along with the connected application.**

(RAJNESH OSWAL)
JUDGE

Jammu
29.07.2026
Sahil Padha

