



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>WPMS/2455/2026</u> Dr. Yashpal --Petitioner Versus Dr. Varsha --Respondent <u>Hon'ble Manoj Kumar Tiwari, J</u> 1. Mr. B.M. Pingal, learned counsel for the petitioner. 2. In proceedings under Section 7 of the Guardians and Wards Act, 1890, filed by mother for custody of her 3½ years old child, petitioner (husband) questioned competence of court concerned to entertain the application on the ground that the child is residing with his grandparents at Rohtak (Haryana). The objection raised by petitioner was rejected. 3. By means of this writ petition, petitioner has sought the following reliefs:- (i) Issue an appropriate writ, order or direction setting-aside the impugned order dated 31.07.2026 passed by the Learned Additional Principal Judge, Family Court, Rishikesh, District Dehradun in Civil Suit No. 06 of 2026 "Dr. Varsha vs. Dr. Yashpal (contained as Annexure No. 1 to this writ petition) From page No. 15 to 18. 4. In his objection, petitioner contended that on the date of filing application for custody, the child was residing in District Rohtak, State of



		Haryana, with his grandparents and he is now admitted in a school at Rohtak (Haryana), therefore, application under Section 7 of the Act would be maintainable only before a Competent Court in District Rohtak. 5. Objection raised by petitioner was rejected by learned trial Additional Principal Judge, Family Court, Rishikesh, Dehradun vide order dated 31.07.2026. The order passed by learned Family Court is under challenge in this writ petition. 6. The reason assigned by the Court concerned for rejecting petitioner's objection is that the child was not only born in Rishikesh, but he was residing at Rishikesh all through, where he was also receiving education, therefore, merely because the child was taken to Rohtak for some time, will not denude the Family Court at Rishikesh of its jurisdiction to entertain the application. 7. Learned Family Court also took note of the fact that the child (<i>Master Saiyyam</i>) was admitted in nursery class in a school at Rishikesh on 01.04.2026; he was vaccinated from time to time at Rishikesh and his both parents are residing at Rishikesh in connection with their employment in AIIMS. 8. This Court concurs with the reasoning given by learned Family Court. The court at Rishikesh will not lose jurisdiction merely because the child, who is 3½ years old was taken out of Rishikesh for some time, especially when both parents of the child are ordinarily residing at Rishikesh in connection with
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			their employment with AIIMS, Rishikesh. 9. Section 9(1) of the Guardians and Wards Act, 1890 is reproduced below:- “9. Court having jurisdiction to entertain application—(1) If the application is with respect to the guardianship of the person of the minor, it shall be made to the District Court having jurisdiction in the place where the minor ordinarily resides.” 10. Plain reading of the aforesaid provision indicates that the court at the place where the minor ordinarily resides will have jurisdiction to entertain an application regarding guardianship. 11. Since both parents of the minor child are residing at Rishikesh and the child was born at Rishikesh & was receiving education at Rishikesh, therefore, Family Court at Rishikesh will not be denuded of its jurisdiction, merely because child was taken to Rohtak (Haryana), a few days before filing of the application under Section 7 of the Guardians and Wards Act, 1890. 12. In view of the aforesaid discussion, the writ petition fails and is dismissed. (Manoj Kumar Tiwari, J) 12.08.2026 Aswal
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