

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

TA No.141 of 2015.

Date of Decision: 17.08.2015.

Amisha

....Petitioner.

VERSUS

Subha Ram and another

....Respondents.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Rajeev Dev Sharma, Advocate for the petitioner.

SNEH PRASHAR, J.

This is a petition under Section 24 of the Code of Civil Procedure (for short, "C.P.C.") seeking transfer of the petition filed under Section 25 of the Guardian and Wards Act (for short, "the Act") by the respondents from the court of Civil Judge (Senior Division), Amritsar to the court of competent jurisdiction at Pathankot.

The submissions made by learned counsel representing the petitioner have been considered.

From the submissions made by the petitioner, it transpires that husband of the petitioner died on 20.07.2014 and after his death, the behaviour of the in-laws changed and they refused to keep the petitioner

with them. Ultimately, she was virtually turned out of the matrimonial home and now she alongwith her son is forced to stay in the house of her father at Pathankot.

It was submitted on behalf of the petitioner that the respondents have since filed a petition under Section 25 of the Act for custody of minor son namely Mahaveer, which is pending adjudication in the court of Civil Judge (Senior Division), Amritsar. Submitting that the petitioner is a poor lady and has no independent source of income and is residing at the mercy of her poor father and that the minor son is the only hope for her, learned counsel sought transfer of the petition filed under Section 25 of the Act pending before Civil Judge (Senior Division), Amritsar to District Court, Pathankot.

The petitioner is presently residing with her father at Pathankot. She fears threat precept in travelling with the minor son to Pathankot. The expenses for travelling will also be an additional financial burden on her. It has been held in *Sumitra Singh vs. Kumar Sanjay and another, AIR 2002 (SC) 396* and *Neelam Kanwar vs. Devinder Singh Kanwar, 2000(43) AIR 129* that convenience of the wife has to be taken into consideration in such like matters. In view of facts aforesaid, it will certainly be difficult for the petitioner to defend the petition filed by the respondent at Pathankot.

Accordingly, the petition filed by the respondents under Section 25 of the Act pending in the court of learned Civil Judge (Senior Division), Amritsar is withdrawn from the said court and is transferred to

the court of competent jurisdiction at Pathankot. The file shall be sent by the trial court to the court of District and Sessions Judge, Pathankot within two weeks from the date of receipt of copy of this order, who will either keep the petition himself or will entrust the same to any other competent court of jurisdiction at Pathankot.

The parties are directed to appear before the District Judge, Pathankot on 24.09.2015.

(SNEH PRASHAR)
JUDGE

17.08.2015.
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