

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

TA No. 416 of 2015

Date of decision: 30.3.2016

Inderjit Kaur

.. Applicant

Vs.

Dilbagh Singh

... Respondent

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. R.S. Randhawa, Advocate
for the applicant.

None for the respondent.

RAMESHWAR SINGH MALIK, J. (Oral)

Applicant, by way of instant transfer application under Section 24 read with Section 151 of the Code of Civil Procedure, 1908, seeks transfer of petition under Section 7 of the Guardian and Ward Act, 1890 ('the Act' for short) read with Section 2 and 8 of the Hindu Minority and Guardianship Act, 1956 ('Act of 1956' for short) filed by the respondent-grand father from Tarn Taran to Ludhiana.

Notice of motion was issued.

Learned counsel for the respondent put in appearance on 17.2.2016 and on his request, case was adjourned to 24.2.2016. On 24.2.2016, on the joint request of learned counsel for the parties,

case was adjourned to 10.3.2016. On 10.3.2016, learned counsel for the respondent sought time contending that parties are trying to settle the matter amicably. Today, neither anybody has come present on behalf of the respondent nor any request for pass over has been made.

Heard learned counsel for the applicant.

It has gone undisputed before this Court that applicant, alongwith her minor child, is staying with her parents at village Shaloo Bhaini, District Ludhiana. Petition under Section 7 of the Act read with Sections 2 and 8 of the Act of 1956 has been filed by the respondent-grand father because husband of the applicant is no more. Applicant is not having any regular source of income. Distance between Tam Taran and Ludhiana would be about 150 Kilometers.

In view of the abovesaid fact situation obtaining in the present case, this Court is of the considered opinion that it is just and expedient to transfer the abovesaid petition filed by the respondent-grand father from Tarn Taran to Ludhiana. It is so said because financial status of the applicant, her responsibility for bringing up the children and distance between two places, besides her convenience, are some of the relevant considerations for deciding the transfer application like the present one.

The abovesaid view taken by this Court also finds support from the earlier order dated 16.03.2016 passed by this Court in TA No.945 of 2015 (Sushma and others Vs. Kapil @ Sahil Bansal), which, in turn, was based on the judgments of the Hon'ble Supreme Court, as well as different High Courts, including this Court.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that instant application deserves to be accepted and the same is hereby allowed. Accordingly, the learned District Judge, Tam Taran, is directed to send complete record of the petition under Section 7 of the Act read with Section 2 and 8 of the Act of 1956, filed by the respondent-grand father, to the learned District Judge, Ludhiana, at an early date but in any case within a period of one month from the date of receipt of certified copy of this order. The learned District Judge, Ludhiana, is also directed either to decide the case himself or assign it to the court of competent jurisdiction, for an early decision, in accordance with law.

With the abovesaid observations made and directions issued, present transfer application stands disposed of, however, with no order as to costs.

**(RAMESHWAR SINGH MALIK)
JUDGE**

30.3.2016
AK Sharma