

**In the High Court of Punjab and Haryana at Chandigarh**

**T.A. No. 608 of 2015**

**Date of Decision: February 09, 2016**

*Mukesh Kumari*

*... Applicant*

*Versus*

*Satish Kumar*

*... Respondent*

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH  
DHALIWAL**

Present: Mr. Narender Kaajla, Advocate,  
for the applicant.

Mr. Sanjay Vashisht, Advocate,  
for the respondent.

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**Paramjeet Singh Dhaliwal, J. (Oral)**

Instant application has been filed under Section 24 of the Code of Civil Procedure for transfer of petition bearing G.W. No. 24 of 13.05.2015, titled as “Satish Kumar vs. Mukesh Kumari” under Section 25 of the Guardians and Wards Act, 1890 (hereinafter referred to as the “Act”) filed by the respondent for taking the custody of minors, from Jind to Hisar.

I have heard learned counsel for the parties and perused the record.

Learned counsel for the applicant contends that respondent-husband filed a petition under Section 25 of the Act for taking the custody of minors. The applicant is residing with her sister at Village Mirjapur, Tehsil and District Hisar. Petition under Section 125 Cr.P.C. filed by the

applicant and application under Section 12 of the Protection of Women from Domestic Violence Act, filed by the applicant and petition under Section 13 of the Hindu Marriage Act for decree of divorce filed by the respondent-husband are pending in the District Court, Hisar. Learned counsel for the applicant relied upon a judgment of Hon'ble Supreme Court in **Deepti Bhandari vs. Nitin Bhandari and another, 2012 (1) R.C.R. (Civil) 506** and contended that it would be easier for the respondent-husband to attend the proceedings in Hisar than for the applicant to attend the same in Jind. Therefore, petition under Section 25 of the Act may be transferred to Hisar.

Per contra, learned counsel for the respondent vehemently opposes the contentions raised by learned counsel for the applicant and contends that the applicant is not required to appear on every date in the Court at Jind.

In view of the submissions made by learned counsel for the applicant and keeping in view the decision of Hon'ble Supreme Court in **Deepti Bhandari (supra)**, transfer application is allowed. Petition under Section 25 of the Act filed by the respondent titled "Satish Kumar vs. Mukesh Kumari", pending in the Court of learned Additional District and Sessions Judge, Jind is withdrawn and ordered to be transferred to learned District Judge, Hisar, who may assign the same to the Court of competent jurisdiction there. Learned Additional District & Sessions Judge, Jind shall ensure that entire record of the case is sent to learned District Judge, Hisar. Parties through their counsel are directed to appear before the learned District Judge, Hisar on 29.02.2016. Parties will be at liberty to make a request to the concerned courts for fixing all the cases on one date. If such a

request is made, the Courts shall make an endeavour to fix same date in all the cases.

Disposed of.

**February 09, 2016**  
vkd

**[Paramjeet Singh Dhaliwal]**  
**Judge**