

TA-751-2015

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

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Date of Decision: 10.02.2016

Pawandeep Kaur

... Applicant (s)

Versus

Ram Niwas

... Respondent(s)

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

Present: Mr. Karan Singh, Advocate for
the petitioner along with petitioner in person.

Mr. Ajit Sihag, Advocate,
for the respondent.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant application under Section 24 of the Code of Civil Procedure has been filed seeking transfer of petition titled as 'Ram Niwas vs. Pawandeep Kaur' under Section 25 of the Guardian and Wards Act, 1956 (for short, 'the Act') filed by the respondent-husband for custody of minor, from Hisar to Kaithal.

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

Learned counsel for the applicant contends that respondent has filed a petition under Section 25 of the Act for taking the custody of minor namely Naman which is pending in the Court of learned District Judge, Family Court, Hisar, a far away place from Kaithal where the applicant is residing with her parents and minor child. It is further

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contended that petition under Section 125 Cr.P.C. is pending against the respondent at Kaithal. Learned counsel for the applicant relies upon the judgment of Hon'ble Supreme Court in ***Deepti Bhandari v. Nitin Bhandari and another***, 2012(1)R.C.R.(Civil) 506 and contends that it would be easier for the respondent-husband to attend the proceedings in Kaithal than for the applicant to attend the same in Hisar. Therefore, the case under Section 25 of the Act may be transferred to Kaithal.

Per contra, learned counsel for the respondent vehemently opposes the contentions of learned counsel for the applicant and contended that presence of the applicant is not required on every date in the aforementioned case pending in Hisar.

In view of the submissions made by learned counsel for the parties, for the circumstances mentioned in the application and keeping in view the decision of the Hon'ble Supreme Court in ***Deepti Bhandari*** (supra), application is allowed. Petition under Section 25 of the Act pending in the Court of learned District Judge, Family Court, Hisar is ordered to be withdrawn and transferred to learned District Judge, Kaithal, who may assign the same to the court of competent jurisdiction there. Learned District Judge, Family Court, Hisar shall ensure that entire record of the case is sent to learned District Judge, Kaithal. The parties through their counsel are directed to appear before learned District Judge, Kaithal on 29.02.2016.

Disposed of.

10.02.2016
parveen kumar

(Paramjeet Singh Dhaliwal)
Judge