

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**TA No.942 of 2015
Date of decision:31.3.2016**

Veerpal Kaur and another

...Applicants

Versus

Gurdeep Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.Gulzar Mohd., Advocate for the applicants.
Mr.Balkaran Singh, Advocate for the respondent.

RAMESHWAR SINGH MALIK, J. (Oral)

Applicants, by way of instant application under Section 24 of the Code of Civil Procedure, seek transfer of a petition under Section 25 of the Guardian & Wards Act, 1890 and under Sections 6 and 13 of Hindu Minority and Guardianship Act, 1956 titled as 'Gurdeep Singh v. Veerpal Kaur' (File No.661/2015 dated 30.9.2015), filed by the respondent-husband, from Phul, District Bathinda to Barnala.

Notice of motion was issued.

Heard learned counsel for the parties.

It has gone undisputed before this Court that there is one child out of this wedlock. Applicant-wife along with her minor child is staying with her parents in District Barnala. She is having no regular source of income. Distance between the place of residence of applicant and Phul, District Bathinda is about 50 kilometers, as submitted by the learned counsel for the applicants. However, learned counsel for the respondent submits that since the applicants are residing in Tehsil Tapa, distance would not be more than 20 kilometers.

In view of the above-said fact situation obtaining in the present case, this Court feels no hesitation to conclude that the petition filed by the respondent-husband deserves to be transferred from Phul to Barnala. It is so said because financial status of the applicant-wife and her responsibility for

bringing up the child, 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 order dated 16.3.2016 passed by this Court in TA No.945 of 2015 (Sushma and others v. 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 the instant transfer application deserves to be accepted and the same is hereby allowed. Petition under Section 25 of the Guardian & Wards Act, 1890 and under Sections 6 and 13 of Hindu Minority and Guardianship Act, 1956 titled as 'Gurdeep Singh v. Veerpal Kaur (File No.661/2015 dated 30.9.2015), filed by the respondent-husband, is ordered to be transferred from Phul to Barnala.

Accordingly, learned District Judge, Bathinda, is directed to send the complete record of the petition under Section 25 of the Guardian & Wards Act, 1890 and under Sections 6 and 13 of Hindu Minority and Guardianship Act, 1956 to the learned District Judge, Barnala, at an early date and in any case within a period of one month from the date of receipt of a certified copy of this order.

Learned District Judge, Barnala, is also directed either decide the case himself or assign it to the learned court of competent jurisdiction for its early decision, in accordance with law.

With the above-said observations made and directions issued, the instant transfer application stands disposed of.

31.3.2016
mks

(RAMESHWAR SINGH MALIK)
JUDGE