

TA No. 132 of 2014

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

TA No. 132 of 2014
Date of Decision : 29.01.2016

Shivani

...Applicant

Versus

Rajiv Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH DHALIWAL

- 1) *Whether Reporters of the local papers may be allowed to see the judgment?*
- 2) *To be referred to the Reporters or not?*
- 3) *Whether the judgment should be reported in the Digest?*

Present: Mr. Johnny Goyal, Advocate for the applicant.

Mr. Prateek Pandit, Advocate for the respondents.

Paramjeet Singh Dhaliwal, J.(Oral)

Instant petition under Section 24 of the Code of Civil Procedure has been filed seeking transfer of petition titled 'Rajiv Kumar etc. Vs. Shivani etc.' under Section 7 of the Guardian and Wards Act, 1890 (for short 'the Act') for appointment of respondent No. 1 herein as guardian of the minor son, filed by respondent No. 1-husband, from Jalandhar to Ferozepur.

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

Learned counsel for the applicant contended that respondent No. 1 has filed a petition under Section 7 of the Act at Jalandhar, which is pending in the Court of learned Civil Judge (Senior Division), Jalandhar. Now applicant is residing with her parents and minor son at Ferozepur, which is approximately 120 kms away from Jalandhar. It is further contended by learned counsel for the applicant that there is no male member in the family of the applicant. It is further contended that a criminal case bearing FIR No. 52, dated 17.04.2013, under Sections 406, 498-A IPC, P.S. Cantt. Ferozepur, District Ferozepur is also pending at Ferozepur. Learned counsel for the applicant relied upon the judgment of Hon'ble Supreme Court in *Deepti Bhandari v. Nitin Bhandari and another*, 2012(1)R.C.R.(Civil) 506 and contended that respondent No. 1 is permanently settled in Canada and he would not be able to attend the proceedings. Therefore, it would be convenient for the applicant to attend the Court proceedings, if the present petition under Section 7 of the Act may be transferred from Jalandhar to Ferozepur.

Learned counsel for the respondents vehemently opposed the petition.

I have considered the contentions raised by learned counsel for the parties.

In view of the submissions made by learned counsel for the applicant, for the circumstances mentioned in the

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petition and keeping in view the decision of the Hon'ble Supreme Court in *Deepti Bhandari* (supra), petition is allowed. Petition under Section 7 of the Act pending in the Court of learned Civil Judge (Senior Division), Jalandhar is ordered to be transferred to learned District Judge, Ferozepur, who will assign the same to the Court of competent jurisdiction there. Learned District Judge, Jalandhar, shall ensure that entire record of the case is sent to learned District Judge, Ferozepur. The parties are directed to appear before the District Judge at Ferozepur on 18.02.2016.

Disposed of.

January 29, 2016.
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(PARAMJEET SINGH DHALIWAL)
JUDGE