

TA No. 276 of 2014(O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA No. 276 of 2014(O&M)
Date of decision: 09.02.2016

Monika Sharma@ Mona

....Applicant

Versus

Raj Kumar Sharma @ Kala

....Respondent

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. Jatinder Pal Singh, Advocate for the applicant.
Ms. Rakhi Sharma, Advocate for the respondent.

PARAMJEET SINGH DHALIWAL, J. (ORAL)

Instant petition under Section 24 of the Code of Civil Procedure has been filed seeking transfer of petition under Section 25 of Guardian & Wards Act read with Section 6 of Hindu Minority & Guardianship Act, (for short 'the Guardian & Wards Act') titled '**Raj Kumar Sharma @ Kala Vs. Monika Sharma @ Mona**' and petition under Section 13 of the Hindu Marriage Act (for short 'the Act') titled '**Raj Kumar Sharma @ Kala Vs. Monika Sharma @ Mona**', filed by respondent-husband from the Court at Amritsar to the Court of competent jurisdiction at Ferozepur.

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

Learned counsel for the applicant contended that respondent has filed two petitions, one under Section 25 of the Guardian & Wards Act and second under Section 13 of the Act, which are pending in the Court of learned District Judge, Amritsar. Now applicant is residing with her female child at Ferozepur. It is further contended that a criminal case bearing FIR No. 98 dated 06.04.2014 and a petition under Section 125 Cr.P.C. against the respondent-husband are 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 the applicant has one female child, who is 2½ years of age and has no source of income. Moreover, the distance between Amritsar and Ferozepur is 150 k.m. It would be easier for the respondent-husband as well to attend the proceedings in Ferozepur than for the applicant to attend the same in Amritsar. Therefore, the petitions under Section 25 of the Guardian & Wards Act and Section 13 of the Act may be transferred to Ferozepur.

Per-contra, learned counsel appearing on behalf of the respondent has vehemently opposed the application.

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 petition and keeping in view the decision of the Hon'ble Supreme Court in ***Deepti Bhandari***

(supra), application is allowed. Petitions under Section 25 of the Guardian & Wards Act and Section 13 of the Act pending in the Court of learned District Judge, Amritsar are withdrawn and ordered to be transferred to learned District Judge, Ferozepur, who may assign the same to the Court of competent jurisdiction there. Learned District Judge, Amritsar, shall ensure that entire record of both the cases is sent to learned District Judge, Ferozepur. The parties are directed to appear before the learned District Judge, Ferozepur on 29.02.2016.

Disposed of.

February 09, 2016
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(Paramjeet Singh Dhaliwal)
Judge