

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

C.R. No. 4451 of 2016

Date of Decision: February 08, 2017.

Nirmal Singh

....Petitioner

Versus

Harmanjit Kaur

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr.G.L.Bajaj, Advocate
for the petitioner.

Rajan Gupta, J (Oral)

Present revision is directed against the order passed by Additional Civil Judge (Sr.Div.), Bathinda whereby the court has returned the petition under Section 25 of the Guardian & Wards Act to be presented before the court having jurisdiction of the matter.

Learned counsel for the petitioner has assailed the order. According to him, the trial court has not appreciated the jurisdictional aspect in correct perspective. Jurisdiction lies where child ordinarily resides. He has relied upon judgment reported as **Adesh Gupta Vs. Sadhna Gupta, 2012 (2) R.C.R.(Civil) 305.**

I have heard learned counsel for the petitioner and given careful thought to the facts of the case. Marriage of petitioner with respondent was solemnised on 18.2.2011 at Muktsar Sahib. Child was born out of wedlock, who is stated to be 4-5 years old. Litigation erupted between the parties. While the wife lodged complaint under Section 406, 498-A IPC, petition was preferred by the petitioner/husband in the court at

Bathinda. He also filed another petition under Section 25 of the Act for seeking custody of the child namely Deep Pinder Kaur. Vide impugned order, the court below rejected the prayer in view of Section 9 of the Act. Court below has relied upon judgment titled **Pooja Sharma @ Bhawana Sharma Vs. Satish Kumar 2006(2) RCR (Civil) 76** to hold that petition would be maintainable at the place where minor is staying. In this case, minor is staying with her mother at Muktsar Sahib. I thus find no infirmity with the order passed by the court below. Judgment in **Adesh Gupta's case** (supra) is not applicable to the facts and circumstances of the case. Petition is without any merit and same is hereby dismissed.

(Rajan Gupta)
Judge

February 08, 2017.
BB

Whether speaking/reasoned Yes/No
Whether reportable: Yes/No