

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

CR No.851 of 2016
Date of decision : 21.03.2018

Hemat Masih and another

...Petitioners

Versus

Amit Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kamaljeet Singh Sidhu, Advocate for the petitioners.

ANIL KSHETARPAL, J. (ORAL)

The respondents in a petition under Section 25 of the Guardian and Wards Act, are the petitioners in the present revision petition against the order dated 21.10.2015, wherein the learned Court had decided the objection with regard to the territorial jurisdiction and has held that the question of territorial jurisdiction is a mixed question of law and fact particularly in view of the pleadings of both the parties. Hence, the Court has held that the petition cannot be rejected on that ground, at this stage.

On preliminary hearing, this Court had issued notice of motion only to explore the possibility of amicable settlement between the parties. Notice was sent, however, no one has come present on behalf of the respondent. Hence, this Court proceeds to decide the revision petition on merits.

In the application under Section 25 of the Guardian and Wards

Act, it has been specifically pleaded by the father i.e. Amit Kumar that the minor child was living with him in Sun Rise Avenue, Village Hake Wala, Tehsil and District Ferozepur. He has further pleaded that his wife who is employed in Dubai, took the minor child for some days and thereafter never returned.

On the other hand, petitioners who are respondents before the trial Court have objected to the territorial jurisdiction of the Court on the ground that the place where minor ordinarily resides has the territorial jurisdiction. Be that as it may. In the present case, the issue of territorial jurisdiction can only be decided after allowing the parties to lead evidence. In these circumstances, in the considered opinion of this Court, the order under challenge is not erroneous.

In view of the above, the present revision petition is dismissed.

21.03.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No