

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

**T.A. No.750 of 2017 (O&M)
Date of decision : February 26, 2018**

Kulwinder Kaur

..... Petitioner

Versus

Jagdeep Singh

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Sunil Agnihotri, Advocate for the petitioner.

Mr. Dinesh Mahajan, Advocate for the respondent.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Petitioner seeks transfer of a case filed under Section 9 of the Hindu Marriage Act, 1955, titled as “*Jagdeep Singh vs Kulwinder Kaur*”, pending in the Court of learned Addl. Civil Judge (Sr. Divn.), Gurdaspur, to a Court of competent jurisdiction at Mukerian.

Heard.

Learned counsel for the petitioner states that the parties have a minor child, who is living with the father (respondent). A petition under the Guardian and Wards Act, 1890 is pending at Mukerian Courts. Therefore, the aforesaid case should also be transferred to Mukerian Courts.

Learned counsel for the respondent has opposed the present petition on the ground that as per Guardian and Wards Act, 1890, the case has been filed at the wrong Court, whereas it has to be filed in the Court, in whose jurisdiction the minor is living, which is Gurdaspur.

It is further stated that the distance between Gurdaspur and Mukerian is only 25 Kms.

I am of the view that there is a straight road between Gurdaspur and Mukerian. Therefore, there is not much difficulty for the petitioner to pursue her case at Gurdaspur Courts. Thus, there is no ground to transfer the aforesaid petition to Mukerian Courts.

As such, the present petition is dismissed.

However, the learned Addl. Civil Judge (Sr. Divn.), Gurdaspur is directed that in view of the fact that the parties are young and have a minor child, the matter be referred to the Mediation and Conciliation Centre at Gurdaspur with a direction to make efforts for compromise between the parties.

(KULDIP SINGH)
JUDGE

February 26, 2018

sarita

Whether speaking / reasoned Yes

Whether Reportable: No