

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

TA-883 -2017 (O&M)

Date of decision: 16.05.2018

Hargeet Kaur

.....Petitioner

versus

Bhakhtawar Singh Dhillon

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldeep Singh

Present: Mr.Harkesh Manuja, Advocate for the petitioner
None for the respondent

1. *Whether Reporters of Local Newspapers 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?*

Kuldeep Singh, J. (Oral)

Respondent duly served by way of affixation but has not appeared despite service. He is proceeded against ex-parte.

Petitioner seeks transfer of two cases between the parties from Amritsar Court to Fatehgarh Sahib. First case is under Section 25 of the Guardian and Wards Act, 1890 filed by the petitioner titled as *Mrs.Hargeet Kaur vs. Mr.Bakhtawar Singh Dhillon* and the second case is Civil Suit No.3003 of 2017 titled as *Hargeet Kaur vs. Bakhtawar Singh Dhillon* pending in the Court of learned Civil Judge (Senior Division), Amritsar.

Admittedly, child of the parties is living with the father at Amritsar. In view of Section 9 of Guardian and Wards Act, 1890, jurisdiction is at a place where the child is residing. Since, the child is living with the father in Amritsar, Amritsar Courts has got the jurisdiction and keeping in view the convenience of the minor child, there is no ground

to transfer the case from Amritsar Courts to Fatehgarh Sahib Courts. It is to be added here that the petitioner herself has chosen the jurisdiction of Amritsar Courts by filing the case at Amritsar Courts.

Second case is a Civil Suit filed by the petitioner regarding some property dispute with the husband. Property is situated at Amritsar. Since, one case between the parties is already pending at Amritsar Courts, the plaintiff, who herself has decided to file the second suit at Amritsar Courts, can contest the same at Amritsar.

As such there are no grounds to transfer these two cases from Amritsar Courts to Fatehgarh Sahib Courts.

Resultantly, the present transfer petition stands dismissed.

16.05.2018

gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:

Yes

Whether Reportable:

No