

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

TA-446-2018

Date of decision:-7.12.2018

Sonia

...Applicant

Versus

Kuljit Singh and another

...Respondents

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present : Mr.Vivek Goel, Advocate
for the applicant.

Mr.Avtar Singh, Advocate for
Mr.S.S. Momi, Advocate
for the respondents.

H.S. MADAAN, J.(ORAL)

By way of filing the present petition, the applicant – Sonia seeks transfer of petition under Section 6 of the Hindu Minority & Guardianship Act with enabling provisions under Guardians & Wards Act, 1890 pending in the Court at Kurukshetra filed by her parents-in-law, who are respondents in the present application, to the Court of competent jurisdiction at Rupnagar.

The main ground taken in the application is that in view of Section 9 of the Hindu Minority and Guardianship Act, such type of petition is to be filed in the Court having jurisdiction over the place

where the minor resides and in the instant case since the minor is residing with the applicant within jurisdiction of Courts at District Rupnagar, therefore, the Court at Kurukshetra does not have jurisdiction to entertain and try the petition. As such, it be transferred to the Court of competent jurisdiction at Rupnagar, where two other cases are pending.

This request is being opposed on behalf of the respondents.

After hearing learned counsel for the parties and going through the record, I find that it would be proper and appropriate, if the applicant approaches the Court of Additional Civil Judge, Kurukshetra where the petition in question is pending, moving request application to the effect that such Court does not have territorial jurisdiction to entertain and try the petition in question and it be returned to the petitioners for presentation in the Court of competent jurisdiction at Rupnagar and that Court may pass an order in accordance with law.

Ordered accordingly.

With these observations, the application stands disposed of.

(H.S.MADAAN)
JUDGE

7.12.2018
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No