IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

T.A. No. 634 of 2018 (O&M)
DATE OF DECISION :- December 20, 2018

Paramjit Kaur **...Applicant**

Versus

Sukhwinder Kaur **...Respondent**

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

Present:- Mr. Manjit Singh Uppal, Advocate for the applicant.

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CM-27750-CII-2018

By way of filing the present application, the applicant has placed on record certified copy of petition under Section 6 of the Hindu Minority and Guardianship Act, 1956 and Section 25 of Guardian and Wards Act, 1890.

The application is allowed.

T.A. No. 634 of 2018

The applicant is seeking transfer of petition filed by her mother-in-law Sukhwinder Kaur against her in the Court of Civil Judge (Sr. Divn.) Mansa regarding custody of her minor son residing with him namely Anmol Singh to the Court of competent jurisdiction at Ludhiana. One of the grounds taken in the application is that under Section 9 of the Guardians and Wards Act only the District Court of the place where the minor resides has got the jurisdiction. In that way, according to the applicant, the Court at Mansa does not have jurisdiction to entertain and try the petition.

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It being so, let the applicant move to the said Court at the first instance bringing it to the notice of the Court that it lacks territorial jurisdiction to entertain and try the present petition and then the said Court may pass the appropriate order on such request. However, if the applicant still feels aggrieved then she can approach the Court again.

The Transfer Application is disposed of accordingly.

(H.S. MADAAN)
JUDGE

December 20, 2018
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Whether speaking/reasoned Yes/No

Whether Reportable Yes/No

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