

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

TA No. 839 of 2018(O&M)

Date of decision:10.10.2018

Sangeeta Goyal	vs.	.. Petitioner
Neeraj Goyal		.. Respondent

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Mr. Vivek Goyal, Advocate
for the petitioner.

Mr. Sumit Gupta, Advocate
for the respondent.

Harinder Singh Sidhu, J.

The petitioner-wife has filed the present petition under Section 24 of the Code of Civil Procedure for transfer of petition under Section 6 of the Guardian and Wards Act, 1890(in short 6 of the Act,1890) filed by the respondent for the custody of minor child from the Court of learned District Judge(Family Court) Karnal to a Court of competent jurisdiction at Kurukshetra.

The marriage between the petitioner and the respondent was solemnized on 02.11.2003. Two male children were born to them.

It is the case of the petitioner that she has been harassed and humiliated by the respondent and his family members on account of dowry. The petitioner has been repeatedly beaten up by the respondent and his family members and is presently residing with her parents at Kurukshetra. Her minor son Hardik is also residing with her at Kurukshetra. The petitioner has filed a petition under Section 125 of the Code of Criminal Procedure, which is pending at Kurukshetra. Her complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005 is also pending at Kurukshetra. The respondent thereafter filed the petition

under Section 13 of the Hindu Marriage Act, 1955 at Karnal. However, on filing of transfer application by the petitioner before this Court, the said case was transferred to Kurukshetra. Now the respondent has filed a petition under Section 6 of the Act, 1890 at Karnal.

Learned counsel for the petitioner has argued that as per Section 9 of the Act, 1890 a petition in respect of guardianship of a minor is to be filed before the District Judge having jurisdiction at the place where the minor ordinarily resides. He states that as the minor son Hardik is residing with the petitioner at Kurukshetra, the jurisdiction to try and entertain the suit with regard to his guardianship is before the Court at Kurukshetra.

Learned counsel for the respondent, on the other hand, has not disputed that the minor son Hardik is residing with the petitioner at Kurukshetra.

Considering the facts and circumstances of the case, the transfer application is allowed. The petition under Section 6 of the Guardian and Wards Act, 1890 filed by the respondent, titled as 'Neeraj Goyal vs. Sangeeta Goyal' which is pending before the Principal District Judge (Family Court), Karnal is withdrawn from the said Court and transferred to Kurukshetra. The District Judge Kurukshetra may assign it to any competent Court.

10.10.2018
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(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned

Yes

Whether Reportable:

Yes/No