

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

T.A. No. 930 of 2018 (O&M)

Date of decision : 6.12.2018

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Kavita

.....Applicant

vs.

Anil Kumar

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Ms. Alisha Soni, Advocate
for the applicant.

Mr. Surjit Singh, Advocate
for the respondent.

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H. S. Madaan, J. (Oral)

Applicant – Kavita, by way of filing the present application seeks transfer of petition under Section 25 of the Guardian and Wards Act, titled as 'Anil Kumar vs. Kavita' pending in the Court at District Judge (Family Court), Sonapat, filed by her husband Anil Kumar – respondent, against her, seeking custody of minor daughter of the parties, namely baby Beena @ Vishu, aged about 7 years, residing with her. It is contended that the applicant alongwith minor daughter of the parties is residing with her parents at Bahadurgarh District Jhajjar. The distance between Bahadurgarh and Sonapat is stated to be 45 kms on one side. It is contended that applicant being a woman, who is required to look after minor daughter of the parties, it is difficult for her to go to Sonapat to attend the dates of hearing there. As such the application be accepted.

Notice of the application was given to the respondent , who has put in appearance through counsel and opposition to the application is being offered.

Learned counsel for the respondent has contended that distance between Bahadurgarh and Sonapat is not so much, which would be difficult to traverse on the part of the applicant and she wants transfer of the petition to the court at Jhajjar, just to harass the respondent. Therefore the application be dismissed.

After hearing the rival contentions and going through the record, I find that keeping in view the assertions in the application and submissions made by learned counsel for the applicant, it will be proper and appropriate if the application is accepted.

The same is accordingly allowed. The petition in question pending in the court of District Judge, Family Court, Sonapat, is withdrawn from that Court and transferred to the Court of District Judge, Jhajjar, who may retain the case on his Board or assign it to any other Court of competent jurisdiction. Parties through counsel are directed to appear there on 15.1.2019.

A copy of the order be sent to the Courts concerned, for information and necessary compliance.

6.12.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned
Whether reportable

Yes/ No
Yes/ No