

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

TA-954-2018

Date of decision:-7.12.2018

Aakansha

...Applicant

Versus

Pranav Sakhuja

...Respondent

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

Present : Mr.Ivneet Singh Babla, Advocate
for the applicant.

None for the respondent.

H.S. MADAAN, J.(ORAL)

By way of filing the present application, the applicant – Aakansha is seeking transfer of petition under Section 8 of the Guardians & Wards Act, 1890 for custody of minor son aged 2 years pending in the Family Court, Ambala filed by her husband, who is respondent in the present application, to the Court of competent jurisdiction at Kalka (Panchkula).

An objection has been taken 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 Kalka, therefore, the Court at Ambala does not have jurisdiction to entertain and try the petition. As such, it be transferred to the Court of competent jurisdiction at Kalka.

Notice of the application was issued to respondent, who as per office report has been duly served but has opted not to appear to offer a contest.

I have heard learned counsel for the applicant besides going through the record.

In view of the objection taken that the Court at Ambala lacks territorial jurisdiction to entertain and try the petition in view of Section 9 of Hindu Minority and Guardianship Act, it shall be proper and appropriate, if the applicant is asked to approach that Court at the first instance praying for return of the petition for being tried in the Court of competent jurisdiction at Panchkula and the Court may pass order as per law in that regard. It is 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