

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

TA-148-2019 (O&M)

Date of decision: 08.05.2019

Parveen

...Applicant

Versus

Poonam

...Respondent

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

Present: Mr. Ankur Sidhar, Advocate for the applicant.

H.S. MADAAN, J. (Oral)

Applicant Parveen has filed the present application against his wife Poonam, for transfer of petition under Section 6 of Hindu Minority and Guardianship Act, 1956, seeking custody of minor son of the parties, namely, Master Madhav, aged about 03 years, pending before District Judge, Family Court, Bhiwani to the Court of competent jurisdiction at Hisar.

Notice of the application was given to the respondent, who was duly served but did not turn up to offer a contest.

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

Admittedly, the child is in the custody of applicant Parveen, residing at Village Badala (Bass), Tehsil Hansi, District Hisar, whereas, petition seeking custody of the child has been filed before District Judge, Family Court, Bhiwani. The applicant having custody of minor son, it

would indeed be difficult for him to go from his Village Badala (Bass), Tehsil Hansi, District Hisar to Bhiwani to attend the dates of hearing in the Court there. As per Section 9 of the Guardians and Wards Act, 1890 only the Court within whose limits the minor resides has got jurisdiction to entertain and try the petition for custody of the minor.

Keeping in view the contentions in the application and submissions made by learned counsel for the applicant, in which I find merit, in absence of any strong circumstance to the contrary, it would be proper and appropriate, if the application is accepted. The same is accordingly allowed. The petition in question is ordered to be withdrawn from the Court of District Judge, Family Court, Bhiwani and transferred to Family Court at Hisar for disposal in accordance with law.

The parties are directed to appear in the transferee Court on 31.05.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

08.05.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No