

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-1929-2019 (O&M)
Date of Decision:12.03.2019

Nandni Appellant
Vs.
Vicky Arora Respondent

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN
HON'BLE MR.JUSTICE HARNARESH SINGH GILL

Present: - Mr.S.S. Gill, Advocate, for the appellant.

RAKESH KUMAR JAIN, J. (ORAL)

This appeal is filed against the order dated 22.11.2018 by which the petition filed under Section 25 of the Guardians and Wards Act, 1890 by the appellant for seeking custody of the minor son, namely, Nitish Arora born on 25.2.2011, has been dismissed both on the grounds that she has no means to look after the welfare of the child and also the Court does not have the jurisdiction in terms Section 9(1) of the Act.

Learned counsel for the appellant has submitted that if the Court had to dismiss the petition on the ground of jurisdiction then it should have sent the case to the Court, who had the jurisdiction to decide the same.

We have heard learned counsel for the appellant and after perusal of the record, are of the considered opinion that since there is no challenge by the appellant to the finding recorded by the trial Court on the issue of territorial jurisdiction, therefore, she may, if so advised, *de hors* the decision dated 22.11.2018, prefer a petition before the Court, who has the jurisdiction to decide the *lis* raised by her.

With these observations, the present appeal is hereby disposed of.

(RAKESH KUMAR JAIN)
JUDGE

(HARNARESH SINGH GILL)
JUDGE

12.03.2019
Vivek