

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

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**CR No. 2692 of 2019  
Date of Decision : 23.5.2019**

**Barinder Pal Singh**

.....**Petitioner**

**v.**

**Poonam Bala**

.....**Respondent**

**CORAM : HON'BLE MR. JUSTICE KULDIP SINGH**

Present : Mr. J.S. Brar, Advocate, for the petitioner

Mr. Sachin Sharma, Advocate, for the respondent

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**KULDIP SINGH, J. (Oral)**

Impugned in the present revision is order dated 20.3.2019 (Annexure P-12), passed by the learned Principal Judge, Family Court, Ludhiana, vide which an application filed by the present petitioner under Order 7 Rule 11 CPC was dismissed.

Brief history of the case is that Poonam Bala-respondent/wife of the petitioner filed a petition under Section 25 of the Guardians and Wards Act, 1890 (in short 'the Act'), which is pending before the Principal Judge, Family Court, Ludhiana, for custody of minor son Jaspreet Singh. The present petitioner/respondent on appearance moved application under Order 7 Rule 11 CPC on the ground that minor is residing at Moga with his father, therefore, under Section 9 of the Act, the said petition is maintainable only at Moga Courts. The said application has been dismissed by the learned Principal Judge, Family Court, Ludhiana.

Section 9 (1) of the Act is reproduced as under :

**“9. Court having jurisdiction to entertain application –** (1) If the application is with respect to the guardianship of the person of the minor, it shall be made to the District Court having jurisdiction in the place where the minor ordinarily resides.”

The section itself is very clear that the application regarding the guardianship of the minor shall be made to the District Court having the jurisdiction in the place where the minor ordinarily resides. The petitioner placed on file the copy of birth certificate (Annexure P-3), aadhaar card (Annexure P-4) and the school certificates (Annexures P-5 and P-6) of the minor to show that Jaspreet Singh was born at Moga and he is still studying at Moga. This Court is informed that the parties were earlier living at Moga and due to matrimonial dispute and according to the wife, the respondent had thrown her out of the house and now she is living with her parents in Ludhiana. Minor Jaspreet Singh is ordinarily residing at Moga since the time of his birth, therefore, only Moga Courts has the jurisdiction to try the said case.

Learned counsel for the respondent contends that there is possibility of compromise between the parties and that the petitioner is a practicing advocate at Moga and may influence the outcome of the present case.

I am of the view that if the respondent/wife has any apprehension, she is always at liberty to move transfer application. However, case is to be initially tried at Moga. As such in place of rejecting the plaint and in order to avoid any harassment and delay, petition titled as **Poonam Bala v. Barinder Pal Singh** is withdrawn from the Court of Principal Judge, Family Court, Ludhiana and transferred to the Court of District Judge, Family Court, Moga, for disposal in accordance with law. The Principal Judge, Family Court at

Moga, is also directed to make efforts for re-conciliation and for that refer the matter to mediation and conciliation centre at Moga.

Disposed of.

**(KULDIP SINGH)**  
**JUDGE**

**23.5.2019**  
*Ashwani*

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|-------------------|---|--------|
| Speaking/Reasoned | : | Yes/No |
| Reportable        | : | Yes/No |