

**127 RA-CR-86-2019 in
CR-2999-2019**

BHARAT SHARMA VS KRISHAN KUMAR AND ANOTHER

Present: Petitioner-Bharat Sharma in person.

Mr.Sherry K.Singla, Advocate
for the applicant-respondents.

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The present application has been filed for recalling of the order dated 08.05.2019 to the extent vide which the matter was ordered to be transferred to the Court of Civil Judge (Sr.Division), Rupnagar (Guardian Judge).

As per the facts on record, the petitioner had himself filed an application for transferring the said case from the Court of Guardian Judge-cum-District Judge, Rupnagar to the Court of Additional Civil Judge (Sr.Division) Anandpur Sahib on 13.02.2019. However, the Court transferred the proceedings from the Court of Civil Judge (Sr.Division) Rupnagar to the Court of Additional Civil Judge (Sr.Division) Nangal instead of Anandpur Sahib on the ground that it would be convenient for the parties to pursue the case at Nangal and even the minor child is also living at Village Bainspur, Tehsil Nangal, District Rupnagar. Therefore, the argument of the petitioner, who is present in Court that the case should be retained at Rupnagar, has no merit. In case the proceedings are ordered to be retained at Rupnagar, the applicant, who is 70 years old and the minor child will have to travel at the distance of 70-80 kms from the place of their residence. Besides the fact that order dated 08.05.2019 was an ex parte order, a direction for transferring the matter to the Court of learned Civil Judge (Senior Division), Rupnagar (Guardian Judge) was passed under the assumption that the Guardian Judge is at Rupnagar, whereas, the Court of

Additional Civil Judge (Sr.Division) Nangal, too has the jurisdiction to try the said case.

At this stage, the petitioner submitted that as per the order dated 29.05.2019, there was no mention regarding conferring of powers on Additional Civil Judge (Sr.Division) posted at Sub Divisional Levels, whereas learned counsel for the respondents has placed on record a copy of the Notification, dated 11.06.1996, empowering the Civil Judges (Sr.Division) in each of the Districts in Punjab, Haryana and UT, Chandigarh to dispose of any proceedings under the Guardian and Ward Act, 1890, transferred to him by the District Judge of the same district.

In view of the above, the application is allowed and the order dated 29.05.2019 is set aside to the extent vide which the matter was transferred to the Court of Civil Judge (Sr.Division) Rupnagar back to the Court of Additional Civil Judge (Sr.Division) Nangal to proceed further.

September 23, 2019
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**(NIRMALJIT KAUR)
JUDGE**