

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

**T.A. No. 646 of 2019**

**DATE OF DECISION :- October 24, 2019**

**Mandip Kaur**

**...Applicant**

**Versus**

**Arminder Singh**

**...Respondent**

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

**Present:-** Mr. Gursharan Singh, Advocate for the applicant.

Mr. Harish Chhabra, Advocate for the respondent.

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During the course of arguments, learned counsel for the respondent has submitted that a similar petition filed by the applicant for transfer of divorce petition has since been dismissed by this Court in T.A. No. 824 of 2019 (O&M) decided on 19.9.2019 and further a revision petition No. 5200 of 2019 has been withdrawn by the petitioner from this Court. It has transpired that the minor child namely Gurnaaz Kaur having date of birth 13.10.2015 is presently in the custody of her mother Mandeep Kaur-applicant having residence at village Khokhar, Post Office Hayat Nagar, Tehsil and District Gurdaspur.

Under Section 9 of the Guardians and Wards Act, 1890 a petition seeking guardianship of a minor is to be filed before the District Court having jurisdiction in the place where the minor ordinarily resides.

Therefore, the applicant is relegated to the remedy by approaching the trial Court seeking return of the petition for presentation to the Court having territorial jurisdiction. The respondent husband may raise all the pleas available to him as per law there and then the Court is to decide the matter in the light of the settled legal position. However, if the order goes against the applicant-wife, she may approach this Court again in accordance with law.

The application stands disposed of accordingly.

**(H.S. MADAAN)**  
**JUDGE**

**October 24, 2019**

*p.singh*

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No