

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

TA No. 1015 of 2018 (O&M)

Date of decision : 15.1.2019

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Monika Bhatia

.....Applicant

vs.

Sumit Bhatia

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. J.S. Virk, Advocate for the applicant.

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H. S. Madaan, J. (Oral)

By way of moving the present application, applicant Monika Bhatia, aged about 35 years, w/o Sumit Bhatia – respondent, presently residing with her parents at Panipat, seeks transfer of petition under Guardians and Wards Act, for custody of minor son of the parties, namely, Aarav Bhatia, presently residing with the applicant, pending in the Court of Additional Civil Judge (Senior Division), Fatehabad, to a Court of competent jurisdiction at Panipat.

Notice of the application was given to the respondent, who has been served but has not put in appearance.

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

Section 9 of the Guardians and Wards Act, 1890 provides that the application with respect to the guardianship of the person of the minor, is to be made to the District Court having jurisdiction in the place where the minor ordinarily resides. In this case, as per version of the applicant, the minor is residing with her at Panipat. Therefore, the petition should have been filed in the Court of competent jurisdiction at Panipat.

Accordingly, the present application is disposed of relegating the applicant to the remedy of approaching the trial Court, moving appropriate application seeking return of the petition on account of lack of territorial jurisdiction, for presentation to the Court of competent jurisdiction at Panipat. However, if after disposal of the application, the applicant is still dissatisfied then she would be at liberty to approach this Court again.

15.1.2019
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No