

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

T.A. No. 227 of 2018 (O&M)

DATE OF DECISION :- February 01, 2019

Sanjeev Goyal and another

...Applicants

Versus

Saroj Gupta and another

...Respondents

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

Present:- Mr. Sandeep K. Bansal, Advocate
for Dr. Rau P.S. Girwar, Advocate for the applicants.

Mr. Atul Jain, Advocate for the respondents.

C.M. No. 2529-CII of 2019

This is an application for placing on record copies of claim petitions as Annexures R/1 and R/2.

Heard.

Allowed.

T.A. No. 227 of 2018

Applicant Sanjeev Goyal and respondent Saroj Gupta are present in the Court.

Applicant Sanjeev Goyal has brought minor child Udit Gupta with him to the Court. On being enquired, Udit Gupta has stated that he is residing with his maternal uncle applicant Sanjeev Goyal for the last about three years and studying in a school at Bathinda. He has stated that he is happily residing with the applicants and does not want to go with his grand

mother and paternal uncle-the respondents.

By way of moving the present application, applicants seek transfer of petition under Sections 7 and 25 of the Guardians and Wards Act filed by Saroj Gupta and Munish Gupta, who are respondents in the present application against the present applicants Sanjeev Goyal and Jagdish Rani, which is pending in the Court of Civil Judge (Sr. Divn.), Patiala. Admittedly, an application seeking transfer of that petition to the Court of competent jurisdiction at Bathinda has been filed for the reason that the Court at Patiala lacks territorial jurisdiction to entertain and try the present petition.

In view of Section 9 of the Guardians and Wards Act, 1890 which provides that the application with respect to guardianship of the person of the minor shall be made to the District Judge having jurisdiction in the place where the minor ordinarily resides. That application is stated to be still pending. Under the circumstances, the applicants cannot avail of two remedies simultaneously.

The present application is disposed of directing the trial Court to decide the application so filed by the applicants for return of the petition on account of lack of territorial jurisdiction expeditiously, preferably within a period of one month from the date of receipt of copy of this order in that Court.

(H.S. MADAAN)
JUDGE

February 01, 2019
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No