

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

T.A. No. 423 of 2018

DATE OF DECISION :- February 08, 2019

Ritika Arora

...Applicant

Versus

Himanshu Arora

...Respondent

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

Present:- Mr. Sanjeev Sharma, Advocate for the applicant.

Mr. Deepak Sharma, Advocate for the respondent.

Reply not filed.

Learned counsel for the respondent states that he opposes the application vehemently.

By way of filing the present application, applicant Ritika Arora, aged about 31 years, estranged wife of respondent Himanshu Arora seeks transfer of petition under Sections 7 and 25 of the Guardians and Wards Act, 1890 filed by respondent against her pending in the Court of Civil Judge (Sr. Division), Ludhiana to the Court at Malerkotla. The petition in question has been filed by respondent-husband against the applicant-wife seeking custody of minor son of the parties namely master Girik Arora, presently residing with her mother-the applicant at Malerkotla, Sangrur.

Under Section 9 of the Guardians and Wards Act, 1890 such petition is to be filed in the District Court having jurisdiction in the place

where the minor ordinarily resides.

Under the circumstances, the applicant is relegated to the remedy of moving appropriate application in the trial Court seeking return of petition on account of lack of territorial jurisdiction for the purpose of presenting it in the Court having jurisdiction over the matter. The trial Court shall decide the application in accordance with law. However, if after decision of the application, the applicant still feels aggrieved then she would be at liberty to approach this Court again by moving similar application.

The petition is disposed of accordingly.

(H.S. MADAAN)
JUDGE

February 08, 2019
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No