

Sr. No.212

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

**TA No.475 of 2019 (O&M)
Date of Decision: 06.02.2020**

Manminder Kumar alias Laddi

... Applicant

Versus

Rimpi

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. J.S.Ghumman, Advocate,
for the applicant.

Mr. Karan Jindal, Advocate,
for the respondent.

ARUN MONGA, J.(ORAL)

1. Applicant-husband seeks transfer of case filed by the respondent-wife under Section 25 of the Guardian and Wards Act, 1980 seeking custody of minor female children namely Sakshi and Khusbu titled as “Rimpi Vs. Manminder Singh alias Laddi” pending in the Court of Learned District Judge, Family Court Hoshiarpur to the Court of competent jurisdiction at Jalandhar.

2. Learned counsel for the applicant-husband submits that he has filed petition under Section 9 of the Hindu Marriage Act, 1955 which is pending at Phillaur District Jalandhar.

3. Learned counsel for the applicant-husband submits that husband is residing at Goraya District Jalandhar. The distance between Hoshiarpur and Jalandhar is about 45 Kms. Two minor

children born out of the wedlock are residing with applicant-husband and are school going. He cannot left them behind to attend the Court proceedings. Therefore, it is difficult for him to go to Hoshiarpur on each date of hearing.

4. I have heard learned counsel for the parties and have gone through the record of the case.

5. Indisputably, minor children of the parties are residing with the applicant at Jalandhar. Section 9(1) of the Guardians and Wards Act, 1890 provides that the jurisdiction to try application vests with Court, where the minor ordinarily resides.

6. Both the cases pending between the parties are aftermath of matrimonial discord. Keeping in view the contentions in the application and the conceded position that petition under Section 9 of the Hindu Marriage Act, 1955 is already pending in the Court at Phillaur, District Jalandhar, it would be proper, appropriate and in the interest of justice if both the cases are tried and decided at one place.

7. In the premise, present application is allowed. The petition in question pending before the Court of learned District Judge, Family Court, Hoshiarpur is ordered to be withdrawn from that Court and is transferred to the District Judge, Jalandhar for its disposal in accordance with law by the Court concerned.

(ARUN MONGA)
JUDGE

06.02.2020

vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No