

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

TA-507-2019

Date of Decision: 04.02.2020

JASPREET KAUR

... Applicant

Versus

HARDEEP SINGH

...Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr.Achin Gupta, Advocate
for the applicant.

Mr.KBS Mann, Advocate
for the respondent.

ARUN MONGA, J.(ORAL)

1. Applicant-wife seeks transfer of petition filed by the respondent-husband under Section 25 of Guardian and Wards Act, 1890 for the custody of minor daughter & son namely Amandeep Kaur and Gurshan Singh Gill respectively titled as “Hardeep Singh v/s Jaspreet Kaur” pending in the Court of Principal Judge, Family Courts, Moga to the Court of competent jurisdiction at Faridkot.

2. Learned counsel for the applicant-wife submits that one petition under Section 125 Cr.P.C. between the parties is already pending at Faridkot.

3. Learned counsel for the applicant submits that applicant is residing at Faridkot with her parents and has no source of income. Both minor children are residing with the applicant-wife who needs constant care and attention of the mother. She cannot leave them behind to attend the Court proceedings. Therefore, it is difficult for her to come to Moga on each date of hearing which is

almost 55 kms from Faridkot.

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

5. 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 125 Cr.P.C. is already pending at Faridkot, it would be proper, appropriate and in the interest of justice, if both the cases are tried and decided at one place.

6. Indisputably, minor child of the parties is residing with the applicant at Moga. 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.

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 The petition in question pending before the Court of Principal Judge, Family Court, Moga is ordered to be withdrawn from that Court and is transferred to the District Judge, Faridkot for its disposal in accordance with law by the Court concerned.

04.02.2020

Sonu

(ARUN MONGA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No