

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

**T.A NO. 517 OF 2019
DATE OF DECISION : 07.02.2020**

Ramandeep Kaur

...Applicant

versus

Gurwinder Singh and another

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. T. P. S. Makkar, Advocate,
for the applicant.

None for the respondent.

ARUN MONGA, J. (ORAL)

This petition has been filed by the applicant-wife seeking transfer of a petition filed by her husband under Section 7 read with Section 25 of the Guardian and Wards Act, for the custody of minor children Ekam Singh and Gunraj Singh, titled as "Gurwinder Singh v. Ramandeep kaur" from the Court of District Judge, Family Court, SBS Nagar to any other Court of competent jurisdiction at Ludhiana.

2. Learned counsel for the applicant submits that father of the applicant has died. Two minor children are in her custody. It is very difficult for her to travel 65 kms from Ludhiana to SBS Nagar on each and every date of hearing.

3. On the last date of hearing, there was representation on behalf of the respondent but today no one has come present to contest the application. Hence, this Court is of the view that respondent/husband is deemed to have consented the present transfer application by not contesting the same.

4. I have heard learned counsel for the applicant and have gone through the records of the case.

5. Indisputably, minor children of the parties are residing with the applicant at Ludhiana. 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. In the premise, present application is allowed. The petition in question pending before the Court of District Judge, Family Court, SBS Nagar is ordered to be withdrawn from that Court and is transferred to District Judge, Ludhiana for its disposal in accordance with law by the Court concerned.

(ARUN MONGA)
JUDGE

FEBRUARY 07, 2020
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| 1. | Whether speaking/reasoned : | Yes/No |
| 2. | Whether reportable : | Yes/No |