

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

**T.A NO. 532 OF 2019
DATE OF DECISION : 04.02.2020**

Veerpal Kaur and others

...Applicants

versus

Jaspal Kaur and another

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. S. S. Khokher, Advocate,
for the applicant.

Mr. Rajender Kumar, Advocate,
for the respondent.

ARUN MONGA, J. (ORAL)

This petition has been filed by the applicant-wife seeking transfer of a petition filed by respondents (father-in-law and mother-in-law) under Section 6 of the Hindu Minority and Guardianship Act, 1956 and Section 25 of the Guardian and Wards Act, 1890, titled as "Jaspal Kaur and others v. Veerpal Kaur and others" for custody of minor grandson Prabhnoor Singh, from the Court of Additional Civil Judge (Senior Division), Sardulgarh, District Mansa to any other Court of competent jurisdiction at Bathinda.

2. Learned counsel for the applicant submits that applicant was earlier married to Manjeet Singh who died in an accident. One male child born out of the said wedlock is also residing with her. Later on she got married with applicant No.2-Dharminderjit Singh @ Dharminder Singh. Respondents have filed a petition under 6 of the Hindu Minority and Guardianship Act, 1956 and Section 25 of the

Guardian and Wards Act, 1890, for custody of her minor son Prabhnoor Singh.

3. Learned counsel for the applicants further submits that applicant No.1 is working as Staff Nurse in a private hospital at Bathinda. She use to work in shifts. It is very difficult for her to leave her minor son for attending the Court proceedings at Sardulgarh, which is about 70 kms from Bathinda. Since, she is working in a private hospital she cannot afford to take leave on each and every date of hearing.

3. I have heard learned counsel for the parties and have gone through the records of the case.

4. Indisputably, minor son of applicants No.1 and 2 is residing with them at Bathinda. Section 9 (1) of the Guardians and Wards Act, 1890 provides that the jurisdiction to try application vests with the Court, where the minor ordinarily resides.

5. In the premise, present application is allowed. The petition in question pending before the Court of Additional Civil Judge (Senior Division) Sardulgarh, Districtr Mansa is ordered to be withdrawn from that Court and is transferred to District Judge, Bathinda for its disposal in accordance with law by the Court concerned.

(ARUN MONGA)
JUDGE

FEBRUARY 04, 2020
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1.	Whether speaking/reasoned :	Yes/No
2.	Whether reportable :	Yes/No