

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

T.A NO. 614 OF 2019

DATE OF DECISION : 10.02.2020

Preeti Sood

...Applicant

versus

Amit Sood

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Ms. Neetu Singh Aashat, Advocate,
for the applicant.

Ms. Alisha Monga, Advocate for
Mr. J. S. Dadwal, Advocate,
for the respondent.

ARUN MONGA, J. (ORAL)

This petition has been filed by the applicant-wife seeking transfer of two petitions filed by her husband under Section 9 of the Hindu Marriage Act, 1955 bearing HMA No.327/2019 titled as "Amit Sood v. Preeti Sood" and under Sections 7, 10 and 25 of the Guardian and Wards Act, 1890 bearing No. GW/28/2019 for custody of minor son Arnav Sood, titled as "Amit Sood v. Preeti Sood" pending before the Additional Principal Judge, Family Court, to any other Court of competent jurisdiction at Ludhiana.

2. Learned counsel for the applicant submits that father of the applicant has died. One male child born out of the wedlock is in her custody and she has apprehension from the respondent side that they may cause harm to her. It is very difficult for her to attend the Court proceedings at Ambala from Ludhiana on each and every date of hearing.

3. Learned counsel for the respondent objected to the transfer on the ground that both the cases are pending at Ambala and no other proceeding is pending anywhere. Applicant can attend the proceeding at Ambala also.

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

5. Indisputably, minor child of the parties is residing with the applicant-wife at Ludhiana. Section 9(1) of the Guardians and Wards Act, 1890 provides that the jurisdiction to try such application vests with the Court where the minor ordinarily resides.

6. After the submission of the learned counsel for the parties, when this Court asked learned counsel for the respondent to pay Rs.5000/- per hearing to the petitioner for travelling from Ludhiana to Ambala, she shows her inability.

7. In the premise, present application is allowed. The petitions in question pending before Additional Principal Judge, Family Court, Ambala is ordered to be withdrawn from that Court and is transferred to District Judge, Ludhiana for its disposal in accordance with law by the Court concerned.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 10, 2020
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1.	Whether speaking/reasoned :	Yes/No
2.	Whether reportable :	Yes/No