

Sr. No.222

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

**TA No.672 of 2019 (O&M)
Date of Decision: 07.02.2020**

Meenu

... Applicant

Versus

Manu Sharma

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. K.S.Brar, Advocate,
for the applicant.

Mr. Shobit Phutela, Advocate,
for the respondent.

ARUN MONGA, J.(ORAL)

1. Applicant-wife seeks transfer of petition filed by the respondent-husband under Section 26 of Hindu Marriage Act praying for custody of minor child namely master Yash titled as “Manu Sharma Vs. Meenu” pending in the Court of Learned District Judge, Chandigarh to the Court of competent jurisdiction at Bathinda.

2. Learned counsel for the applicant submits that earlier respondent filed petition under Section 13(1) (a) (ib) of Hindu Marriage Act. The same has been transferred from Chandigarh to Bathinda by filing TA No.1135 of 2018 vide order dated 08.07.2019 passed by this Court.

3. Learned counsel for the applicant submits that

petitioner is residing at Bathinda and is doing job as Lecturer in College. The distance between Chandigarh and Bathinda is about 242 Kms. One minor son 4 years old is residing with the applicant-wife and is school going, who needs constant care and attention of the mother. She cannot left him behind to attend the Court proceedings. Therefore, it is difficult for her to come to Chandigarh on each date of hearing.

4. Learned counsel for the respondent opposes the transfer application on the ground that father of the respondent has since been expired and his mother is old age lady and fully dependent on him for her routine activities like having food, washroom bathing dress up etc. At present, respondent is unemployed due to his disturbed family life. Therefore, it is very difficult for him to go the Bathinda.

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

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 13 (1) (a) (ib) of Hindu Marriage Act is already pending at Bathinda, it would be proper, appropriate and in the interest of justice if both the cases are tried and decided at one place.

7. Indisputably, minor child of the parties is residing with the applicant at Bathinda. 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.

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 The petition in question pending before the Court of learned District Judge, Chandigarh is ordered to be withdrawn from that Court and is transferred to the District Judge, Bathinda for its disposal in accordance with law by the Court concerned.

07.02.2020
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No