

Sr. No.217

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

TA-678-2019(O&M)

Date of Decision: 14.02.2020

SHIVANSHI SAINI

... Applicant

Versus

AMIT SAINI

...Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

**Present:- Mr.Nitish Sharma, Advocate for
T.K.Yadav, Advocate
for the applicant.**

**Mr.Shiv Kumar, 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 custody of minor daughter namely Kaira titled as "Amit Saini v/s Shivanshi Saini" pending in the Court of District Judge, Family Courts, Faridabad to the Court of competent jurisdiction at Hisar.

2. Learned counsel for the applicant submits that one petition under section 125 and an FIR between the parties are already pending in courts at Hisar.

3. Learned counsel for the applicant submits that petitioner is residing at Hisar with her parents and has no source of income. One minor daughter is residing with the applicant-wife 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 Faridabad on each date of hearing which is almost 225 kms from Hisar.

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

5. All 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. and complaint under Sections 498-A, 406, 323, 34, 506 IPC are already pending at Hisar, it would be proper, appropriate and in the interest of justice, if all the cases are tried and decided at one place.

6. Indisputably, minor child of the parties is residing with the applicant at Hisar. 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 The petition in question pending before the Court of Principal Judge, Family Court, Faridabad is ordered to be withdrawn from that Court and is transferred to the District Judge, Hisar for its disposal in accordance with law by the Court concerned.

(ARUN MONGA)
JUDGE

14.02.2020

Sonu

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No