

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

**T.A NO. 757 OF 2019
DATE OF DECISION : 20.02.2020**

Tirath Ram and another

...Applicants

versus

Aman

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Veneet Sharma, Advocate,
for the applicant.

None for the respondent.

ARUN MONGA, J. (ORAL)

This petition has been filed by the applicants seeking transfer of a petition filed by respondent under Section 25 of the Guardian and Wards Act, 1890 bearing No. GW/269/2019 titled as "Aman v. Pooja" seeking custody of two minor children, pending in the Court of Principal Judge, Family Court, Amritsar to any other Court of competent jurisdiction at Tarn Taran.

2. Learned counsel for the applicants submits that marriage of daughter of the applicants was solemnized with the respondent. Out of the wedlock, two children were born. There was matrimonial discord between their daughter and the respondent. A decree of divorce by mutual consent was granted by the Court. The custody of minor children is with the applicants who are residing at Tarn Taran. The mother of minor children has gone to Singapore for earning her livelihood and for the welfare of minor children.

3. Learned counsel further submits that both the applicants are aged. It is very difficult for them to travel along with minor children from Tarn Taran to Amritsar on each and every date of hearing.

4. Despite service, no one has put in appearance on behalf of the respondent. Hence, this Court is of the view that respondent is deemed to have consented the present transfer application by not contesting the same.

5. I have heard learned counsel for the applicants and have gone through the records of the case.

6. Indisputably, minor children of the parties are residing with the applicant at Tarn Taran. 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.

7. In the premise, present application is allowed. The petition in question pending before the Court of Principal Judge, Family Court. Amritsar, is ordered to be withdrawn from that Court and is transferred to District Judge, Tarn Taran for its disposal in accordance with law by the Court concerned.

(ARUN MONGA)
JUDGE

FEBRUARY 20, 2020
shalini

1.	Whether speaking/reasoned :	Yes/No
2.	Whether reportable :	Yes/No