

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

T.A NO. 865 OF 2019

DATE OF DECISION : 17.02.2020

Gargi Sharma

...Applicant

versus

Aman Sharma

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Karan Vir Nanda, Advocate,
for the applicant.

None for the respondent.

ARUN MONGA, J. (ORAL)

This petition has been filed by the applicant-wife seeking transfer of a petition filed by her husband under Section 25 of the Guardian and Wards Act, 1890 for the custody of minor son namely Adhiraj Sharma, titled as "Aman Sharma v. Gargi Sharma" pending in the Court of Additional Principal Judge, Family Court, Faridabad to any other Court of competent jurisdiction at Chandigarh.

2. Learned counsel for the applicant submits that applicant is residing at Chandigarh. One minor son born out of the wedlock is in the custody of applicant, who needs care and attention. It is very difficult for her to travel from Chandigarh to Faridabad on each and every date of hearing.

3. Despite service, no one appeared on behalf of the respondent. Hence, this Court is of the view that respondent/husband is deemed to have consented the present transfer application by not contesting the same.

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

5. Indisputably, minor child of the parties is residing with the applicant-wife at Chandigarh. 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. In the premise, present application is allowed. The petition in question pending before the Court of Additional Principal Judge, Family Court, Faridabad is ordered to be withdrawn from that Court and is transferred to District Judge, Chandigarh for its disposal in accordance with law by the Court concerned.

(ARUN MONGA)
JUDGE

FEBRUARY 17, 2020
shalini

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