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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

T.A NO. 889 OF 2019
DATE OF DECISION : 17.02.2020

Simran Kaur @ Nishu Sharma

...Applicant

versus

Surinder Pal Singh

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. I.S. Dhaliwal, Advocate,
for the applicant.

Mr. Amit Sharma, Advocate,
for the respondent.

ARUN MONGA, J. (ORAL)

The present petition has been filed by the applicant-wife seeking transfer of a petition filed by her husband under Section 25 of Guardianship and Wards Act read with Sections 6 and 8 of the Hindu Minority and Guardianship Act, bearing No.GW-2 of 2019 titled as "Surinder Pal Singh v. Simran Kaur @ Nishu Sharma" pending in the Court of Civil Judge(Senior Division), Malout (exercising the powers of District Judge under the Hindu Guardian and Wards Act), to any other Court of competent jurisdiction at Ludhiana.

2. Learned counsel for the applicant submits that one petition 125 Cr.P.C and a complaint under Section 12 of Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as "D.V. Act"), instituted at the instance

of applicant-wife, are already pending before the Courts at Khanna.

3. Learned counsel for the applicant further submits that applicant is residing with her parents at Khanna, District Ludhiana. One minor son born out of the wedlock is in the custody of applicant. She has no source of income. It is very difficult for her to travel from Khanna to Malout on each and every date of hearing.

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

6. All the cases pending between the parties are aftermath of matrimonial discord. Keeping in view the averments contained in the application and the conceded position that petition under Section 125 Cr.P.C and complaint under Sections 12/11/18/19/20/21/22/23 of D.V. Act, along with criminal proceedings, are already pending before the Courts at Sri Muktsar Sahib, it would be proper, appropriate and in the interest of justice if all the cases are tried and decided at one place.

7. Indisputably, minor child of the parties is residing with the applicant at Khanna, Ludhiana. 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 Civil Judge (Senior Division) Malout (exercising the powers of District Judge

under Hindu Guardian and Wards Act) 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 at Khanna.

(ARUN MONGA)
JUDGE

FEBRUARY 17, 2020
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| 1. | Whether speaking/reasoned : | Yes/No |
| 2. | Whether reportable : | Yes/No |