

**Sr. No.209
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**TA No.892 of 2019 (O&M)
Date of Decision: 04.03.2020**

Minakshi

... Applicant

Versus

Rajbir

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Rao Ajender Singh, Advocate,
for the applicant.

Mr. Sumit Sangwan, Advocate,
for the respondent.

ARUN MONGA, J.(ORAL)

1. Applicant-wife seeks transfer of petition filed by the respondent i.e. father of the husband (since deceased) under Section 7 read with Section 10 of Guardian and Wards Act, 1890 titled as “Rajbir Vs. Minakshi and another” pending in the Court of Learned Additional Civil Judge (Senior Division), Charkhi Dadri to the Court of competent jurisdiction at District Rewari.

2. Learned counsel for the applicant submits that applicant married to Sandeep son of respondent on 18.04.2005. Two minor daughters born out of the said wedlock. Husband Sandeep met with an accident and died on 23.03.2013. Thereafter, applicant performed re-marriage with Yudhisther in January, 2017. Since then applicant along with her two daughters is living at Village Anandpur, Tehsil Bawal, District Rewari. He further submits that two minor daughters are school going, who need constant care and attention of the mother. She cannot leave them behind to

attend the Court proceedings. The distance between Charkhi Dadri and Rewari is about 70 Kms. Therefore, it is difficult for her to go to Charkhi Dadri on each date of hearing.

3. Learned counsel for the respondent submits that minor daughters are living with the mother of the applicant. It has been controverted by learned counsel for the applicant by saying that minor daughters are living with the applicant herself and they are studying in Government Primary School, Anandpur. Copy of the certificate is appended as Annexure A-2.

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

5. Minor children of the parties are residing with the applicant at Village Anandpur, Tehsil Bawal, District Rewari. 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.

6. In the premise, present application is allowed. The petition in question pending before the Court of learned Additional Civil Judge, (Senior Division), Charkhi Dadri is ordered to be withdrawn from that Court and is transferred to the District Judge, Rewari for its disposal in accordance with law by the Court concerned.

(ARUN MONGA)
JUDGE

04.03.2020
vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No