

Sr. No.218

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

**TA No.935 of 2019 (O&M)
Date of Decision: 13.01.2020**

Usha

... Applicant

Versus

Sukhvarsh Kumar

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Ms. Prabhjot Kaur, Advocate,
for the applicant.

ARUN MONGA, J.(ORAL)

1. Applicant-wife seeks transfer of petition filed by the respondent-husband under Section 7 and 25 of Guardians and Wards Act, 1890 titled as “Sukhvarsh Kumar Vs. Usha” for the custody of minor children of the parties, pending in the Court of Principal Judge, Family Court, Jalandhar to the Court of competent jurisdiction at Patiala.

2. Learned counsel for the applicant submits that one petition under Section 128 Cr.P.C. filed by the applicant is pending at Patiala.

3. Learned counsel for the applicant further submits that petitioner is residing at Patiala. She has two minor children, who are studying at Patiala. The distance between Jalandhar and Patiala is about 155 Kms. She has no source of income and it is difficult for her to go to Jalandhar on each date of hearing. On the other hand,

respondent is a well earning man and he can attend the Court proceedings at Patiala.

4. Despite service of notice through brother, none has put in appearance on behalf of the respondent.

5. I have heard learned counsel for the applicant and have gone through the record of the case.

6. 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 128 Cr.P.C. is already pending in the Court at Patiala, 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 children of the parties are residing with the applicant at Patiala. 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 The petition in question pending before the Court of Principal Judge, Family Court, Jalandhar is ordered to be withdrawn from that Court and is transferred to the District Judge, Patiala for its disposal in accordance with law by the Court concerned.

13.01.2020

vandana

**(ARUN MONGA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No