

Sr. No.229

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

**TA No.938 of 2019 (O&M)
Date of Decision: 07.02.2020**

Ramandeep Kaur

... Applicant

Versus

Pardeep Singh

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Sandeep Kumar, Advocate,
for the applicant.

Mr. G.S.Rawat, Advocate,
for the respondent.

ARUN MONGA, J.(ORAL)

1. Applicant-wife seeks transfer of petition filed by the respondent-husband bearing GW/392/2019 titled as “Pardeep Singh Vs. Ramandeep Kaur” pending in the Court of Learned Additional Principal Judge, Family Court, Jalandhar to the Court of competent jurisdiction at Hoshiarpur.

2. Learned counsel for the applicant submits that one petition under Section 125 Cr.P.C. for grant of maintenance and one complaint under Protection of Women from Domestic Violence Act, 2005 filed by the applicant-wife are already pending at Hoshiarpur.

3. Learned counsel for the applicant further submits that petitioner is residing at Hoshiarpur. She has no source of income

The distance between Jalandhar and Hoshiarpur is about 42 Kms. One minor son 6 years old is in the custody of applicant-wife and is school going, who needs constant care and attention of the mother. She cannot left him behind to attend the Court proceedings. Therefore, it is difficult for her to go to Jalandhar on each date of hearing.

4. Learned counsel for the respondent opposes the above said contention on the ground that child was forcibly taken away by the applicant-wife from Jalandhar and respondent has filed an application under Sections 6, 7 and 8 and Section 25 of the Guardian and Wards Act, 1890 for appointment as Guardian of his minor son. He further submits that distance from Jalandhar to Hoshiarpur is less than 50 kms.

5. I have heard learned counsel for the parties 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 125 Cr.P.C. for grant of maintenance and one complaint under Protection of Women from Domestic Violence Act, 2005 are already pending in the Court at Hoshiarpur, 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 Hoshiarpur. 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 learned Additional Principal Judge, (Family Court), Jalandhar is ordered to be withdrawn from that Court and is transferred to the District Judge, Hoshiarpur for its disposal in accordance with law by the Court concerned.

07.02.2020
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No