

Sr. No.234

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

TA-1046-2019 (O&M)

Date of Decision: 12.02.2020

BHARTI

... Applicant

Versus

GURBINDER SINGH SONI

...Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr.Gaurav Gupta, Advocate
for the applicant.

Mr.Deepak Goyal, Advocate
for the respondent.

ARUN MONGA, J.(ORAL)

1. Applicant-wife seeks transfer of petition under Section 25 of Guardian and Ward Act, 1890 bearing case No.GW.16/2019 titled as “Gurbinder Singh v/s Bharti and others” for the custody of minor son Hardy Singh and petition under Section 9 of the Hindu Marriage Act, 1955 bearing case No. HMA/120/2019 titled as “Gurbinder Singh v/s Bharti”, both filed by the respondent-husband pending in the court of Additional Civil Judge (Senior Division), Dhuri, to the Court of competent jurisdiction at Chandigarh.

2. Learned counsel for the applicant-wife submits that petition u/s 125 Cr.P.C. between the parties is pending in the court at Chandigarh.

3. Learned counsel for the applicant further submits that petitioner is residing at Chandigarh with her parents. One minor son aged 4 years is in the custody of applicant-wife. She has no

source of income and it is very difficult for her to attend hearings at Dhuri which is approximately 140 kms from Chandigarh.

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

5. The cases pending between the parties are aftermath of matrimonial discord. Keeping in view the contentions in the application and the conceded position that complaint Section 125 of Cr.P.C. for grant of maintenance is already pending at Chandigarh, it would be proper, appropriate and in the interest of justice, if both cases are tried and decided at one place.

6. Indisputably, minor child of the parties is residing with the applicant at Chandigarh. 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.

7. In the premise, present application is allowed. Both the petitions in question pending before the Court of Additional Civil Judge (Senior Division), Dhuri are ordered to be withdrawn from that Court and is transferred to the District Judge Chandigarh for its disposal in accordance with law by the Court concerned.

(ARUN MONGA)
JUDGE

12.02.2020

Sonu

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No