

Sr. No.223

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

TA-1079-2019

Date of Decision: 25.02.2020

SIMRAN RANI @ SHELLI

... Applicant

Versus

AMANDEEP KUMAR

...Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr.P.K.S.Phoolka, Advocate
for the applicant.

None for the respondent.

ARUN MONGA, J.(ORAL)

1. Applicant-wife seeks transfer of petition filed by the respondent-husband under Section 6 of Hindu Minority and Guardianship Act, 1956 & Section 25 of Guardians and Wards Act, 1890 bearing No. GW03 of 2018 for custody of minor children namely Sehajdeep and Jashandeep aged 5 years and 3 years respectively titled as "Amandeep Kumar v/s Simran Rani @ Shelli" pending in the Court of Additional Civil Judge, Senior Division, Mansa to the Court of competent jurisdiction at Dabwali (Sirsa).

2. Learned counsel for the applicant submits that two more cases between the parties are already pending in courts at Dabwali (Sirsa).

3. Learned counsel for the applicant submits that applicant is residing at Dabwali (Sirsa) with her parents and has no source of income. Two minor children are residing with the applicant-wife who need constant care and attention of the mother. She cannot leave them behind to attend the Court proceedings. Therefore, it is

difficult for her to come to Mansa on each date of hearing which is almost 60 kms from her village at Dabwali (Sirsa).

4. Despite service, none has put in appearance on behalf of the respondent. It seems that respondent-husband has deeminglly consented to the present transfer application by not contesting the same.

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 12 of Protection of Women from Domestic Violence Act and complaint under Sections 494, 406, 504, 506 IPC are already pending at Dabwali, Sirsa, it would be proper, appropriate and in the interest of justice, if all the cases are tried and decided at one place.

6. Indisputably, minor children of the parties are residing with the applicant at Dabwali (Hisar). 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. The petition in question pending before the Court of Additional Civil Judge (Senior Division), Mansa is ordered to be withdrawn from that Court and is transferred to the District Judge, Sirsa for its disposal in accordance with law by the Court concerned.

25.02.2020

Sonu

Whether speaking/reasoned

Whether Reportable

(ARUN MONGA)
JUDGE

Yes/No

Yes/No