

Sr. No.231

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

TA-1093-2019

Date of Decision: 04.02.2020

SUNITA

... Applicant

Versus

SAURAV

...Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr.Joginder Sharma, Advocate
for the applicant.

Mr.Gaurav Goel, Advocate
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 and Section 25 of Guardian and Wards Act, 1890 for the visitation rights of minor daughter namely Haizal titled as "Sourav vs. Sunita" pending in the Court of Principal Judge, Family Courts, Ludhiana to the Court of competent jurisdiction at Moga.

2. Learned counsel for the applicant submits that petitioner is residing at Moga with her parents and has no source of income. One minor daughter is residing with the applicant-wife 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 come to Ludhiana on each date of hearing which is almost 80 kms from Moga.

3. I have heard learned counsel for the applicant and have

gone through the record of the case.

4. 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. and complaint under Sections 12, 18, 19, 20 & 22 of the Protection of Women from Domestic Violence Act, 2005 are already pending at Moga, it would be proper, appropriate and in the interest of justice, if all the cases are tried and decided at one place.

5. Indisputably, minor child of the parties is residing with the applicant at Moga. 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 The petition in question pending before the Court of Principal Judge, Family Court, Ludhiana is ordered to be withdrawn from that Court and is transferred to the District Judge, Moga for its disposal in accordance with law by the Court concerned.

04.02.2020

sonu

**(ARUN MONGA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No