

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

202

TA-97-2021 (O&M)

Date of decision: 19.04.2021

MEENAKSHI

...Petitioner

Versus

RAJESH KUMAR

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present : Mr. Naresh Kaushik, Advocate for the petitioner.
Mr. Vivek Gupta, Advocate for the respondent.

ANIL KSHETARPAL, J. (Oral)

On 04.02.2021, the following order was passed:-

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioner is the wife of the respondent. She prays for transfer of case No.GW/995/2019 (Rajesh Kumar vs. Meenakshi), filed under Section 6 of the Hindu Minority and Guardianship Act, 1956, for custody of minor children from Mansa to Mohali.

It has been pleaded that the parties got married on 11.03.2007 and were blessed with two children. At present, both the children are stated to be studying at Mohali and the petitioner is also staying at Mohali.

Notice of motion, for 23.03.2021.

Liberty is granted to the petitioner to serve the respondent through Sh. B.N.Goyal, Advocate, Mansa.

A reply to the petition has been filed pointing out that the petitioner is defending a suit in the courts at Mansa and therefore, this petition should not be allowed.

It is well settled that as per Section 9 of Guardian and Wards Act, 1860, a petition for custody of minor children can normally be filed at a place where the children are residing. It is

apparent from Annexure P3 that the children are studying at Mohali where they are also stated to be staying with their mother.

Keeping in view the aforesaid facts, the petition is allowed. The case No.GW/995/2019 (Rajesh Kumar vs. Meenakshi) pending before the Family Court at Mansa is transferred to the Court of competent jurisdiction at Mohali. The transferror Court is requested to remit the file to the transferee Court forthwith. The parties through their counsel are directed to appear before the transferee Court on 19.05.2021.

19.04.2021
ashok

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned:	Yes / No
Whether reportable:	Yes / No