

TA No.847 of 2021(O&M)

Date of Decision: 10.11.2021

Smt. Navdeep Kaur

....Petitioner

VERSUS

Garib Singh

....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. S.L.Chander Shekhar, Advocate for the petitioner.

Mr. Akhilesh Vyas, Advocate for the respondent.

ALKA SARIN, J. (Oral)

The present petition under Section 24 of the Code of Civil Procedure, 1908 has been filed by the petitioner seeking transfer of the petition filed by the respondent/father-in-law bearing No.GW/74/2020 under Section 25 of the Guardians and Wards Act, 1890 (hereinafter referred to as, the '1890 Act') for obtaining the custody of the minor, namely, Ranbir Singh aged 06 years, pending in the Court of Principal Judge, Family Court, Amritsar to the Court of competent jurisdiction at Tarn Taran.

The case set up by the petitioner is that the petitioner's marriage was solemnized with Avtar Singh on 28.01.2013 and out of the wedlock one child namely Ranbir Singh was born on 10.07.2014. The husband of the petitioner unfortunately died on 30.10.2018 and after the death of the husband the petitioner was shunted out of the matrimonial home and for the last two and a half years the petitioner has been residing at her parental home with her minor child. It has further been pleaded that the respondent, who is the father-in-law of the petitioner, has now filed a petition under Section 25 of the 1890 Act for the custody of the minor child before the

Principal Judge, Family Court, Amritsar. It has further been pleaded that the petitioner is a working lady and residing with her parents and it would be very difficult for her to attend the Court at Amritsar and to contest the case properly.

Learned counsel for the respondent has filed a reply stating therein that the respondent is 77 years of age and has medical issues hence it would be difficult for him to travel to Tarn Taran.

Heard.

In the present case, the petitioner, who is the natural guardian of the minor child, is residing with the minor child at Tarn Taran. The petition under Section 25 of the 1890 Act has been filed by the father-in-law at Amritsar. The petitioner, who is a working lady and is residing with her parents, would have to travel a distance of 68 kms up and down in order to contest the case properly at Amritsar. In any case, as per Section 9 of the 1890 Act an application in respect to the guardianship of a minor has to be made in the District Court having jurisdiction in the place where the minor ordinarily resides and in the present case it is an admitted fact that the minor is residing with his mother at Tarn Taran. In view thereof, I deem it appropriate to allow the present petition and to transfer the petition filed by the respondent/father-in-law bearing No.GW/74/2020, under Section 25 of the 1890 Act for obtaining the custody of the minor, namely, Ranbir Singh aged 06 years, pending in the Court of Principal Judge, Family Court, Amritsar to the Court of competent jurisdiction at Tarn Taran.

The records of the case shall be sent by the concerned Court at Amritsar to the Court of the learned District Judge, Tarn Taran and the parties shall appear there on **22.11.2021** at 10.00 a.m.

The present petition is disposed off in the above terms.

November 10, 2021
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(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO