

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

TA-1077-2021 (O&M)

Date of decision : 20.12.2021

Harjinder Kaur

.....Petitioner(s)

Versus

Gobind Singh

.....Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Munish Garg, Advocate for the petitioner.

None for the respondent.

ALKA SARIN, J. (ORAL)

Heard in physical mode.

The present petition has been filed under Section 24 read with Section 151 of the Code of Civil Procedure, 1908 seeking transfer of the petition filed by the respondent-husband under Section 25 of the Guardians and Wards Act, 1890 (in short 'the 1890 Act') being ***GW/31/2021*** titled as ***“Gobind Singh Vs. Harjinder Kaur”*** pending in the Court of Principal Judge, Family Court, Bathinda to the Court of competent jurisdiction at Barnala.

Learned counsel for the petitioner would contend that presently the petitioner along with the minor child is residing at Barnala and in order to attend the Court proceedings at Bathinda she would need to travel a distance of approximately 120 kms (up and down) and it is not feasible for her, financially or otherwise, to travel to Bathinda on each date of hearing.

Learned counsel for the petitioner would further contend that a petition filed by the petitioner under Section 125 of the Code of Criminal Procedure, 1973 (CrPC) for grant of maintenance is already pending at Barnala. He would further contend that as per the provisions of Section 9 of the 1890 Act, a petition for custody of a minor child has to be filed where the minor ordinarily resides and in the present case the child is residing with the petitioner at Barnala.

As per the office report, service is complete. On the last date of hearing i.e. 13.12.2021, none had appeared on behalf of the respondent despite service. Today also no one has put in appearance on his behalf despite the matter being called twice. The respondent is, therefore, proceeded against *ex parte*.

Heard learned counsel for the petitioner.

In the present case, presently, the petitioner along with her minor child is residing at Barnala and she would have to travel a distance of about 120 kms (up and down) in order to attend the proceedings in the Court concerned at Bathinda. Further, a petition at the instance of the petitioner under Section 125 CrPC for grant of maintenance is already pending at Barnala. Even as per the provisions of Section 9 of the 1890 Act, a petition for custody of a minor child has to be filed where the minor ordinarily resides and in the present case the minor child is residing with the petitioner at Barnala.

In view of the above, I deem it appropriate to allow the present petition and to transfer the petition filed by the respondent-husband under

Section 25 of the 1890 Act being ***GW/31/2021*** titled as “***Gobind Singh Vs. Harjinder Kaur***” pending in the Court of Principal Judge, Family Court, Bathinda to the Court of competent jurisdiction at Barnala. Ordered accordingly.

The records of the case shall be sent by the concerned Court to the Court of the learned District Judge, Barnala and the parties shall appear there on 10.01.2022 at 10.00 a.m.

The present petition is disposed off in the above terms.

(ALKA SARIN)
JUDGE

20.12.2021
Yogesh Sharma

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