

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

TA 139 of 2022 (O&M)

Date of Decision: March 28, 2022

Gurpreet Kaur ...Petitioner

Versus

Rabinder Singh

... Respondents

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. A.S. Khinda, Advocate
for the petitioner.

FATEH DEEP SINGH, J. (Oral)

The wife Gurpreet Kaur petitioner by way of this petition under Section 24 of the Code of Civil Procedure has sought transfer of petition under Section 25 of the Guardians and Wards Act titled as **Rabinder Singh Vs. Gurpreet Kaur** (Annexure P-1) pending in the Court of Ld. Principal Judge, Family Court, Gurdaspur Camp Court at Batala filed by the respondent husband whereby he has sought custody of the minor child.

Notice of the petition was given to the respondent

who failed to appeared in spite of service.

Heard Mr. A.S. Khinda, Advocate for the petitioner and perused the record.

Admittedly, the parties have entered into a wedlock on 04.12.2011 out of which a minor daughter was born now aged around 6 years who is in custody of mother Gurpreet Kaur.

The matter is pending in a competent Court at Gurdaspur and the wife had moved the petition seeking transfer to a Court at Kapurthala. The primary ground that has come about is that in view of the provisions of Section 9 of the Guardian and Wards Act 1980 petition for guardianship of a child is to be carried on in a Court of jurisdiction at the place where minor ordinarily resides. Certainly the girl is a minor aged around 06 years and stated to be residing with the mother applicant/petitioner and therefore in terms of Section 9 of the Act, the matter ought to be tried and adjudicated in a Court at Kapurthala whereby the minor is ordinarily residing so as to facilitate that the minor is not put to undue harassment besides

adverse conditions she might come across during her repeated travels to the Guardian Court where her presence might be necessitated during the proceedings. Since the Act is a welfare statute for the welfare of the minor, it would be suffice if the petition under Section 25 of the Act pending before the Principal Judge, Family Court, Gurdaspur Camp Court at Batala is transferred to the Court of District Judge, Kapurthala, who may keep the matter with that Court or transfer it to some other Court of competent jurisdiction. The present petition stands allowed in those terms. However, it is made clear that this shall not impact the other proceedings pending between the couple.

Disposed off.

March 28, 2022
amit rana

(FATEH DEEP SINGH)
JUDGE

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