

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

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TA-682-2019 (O&M)
Date of decision: 05.09.2022

Chanan Singh**...Petitioner**

Versus

Misra Singh and another**...Respondents****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Tarun Singla, Advocate
for the petitioner.

Mr. L. S. Sidhu, Advocate
for the respondent No. 1.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for transfer of the petition filed by the respondent No. 1 under Section 7 of the Guardians and Wards Act, 1890 for declaring respondent No.1 as Guardian of minor child, which is pending before the Additional Civil Judge (Sr. Divn.), Mansa to the competent Court of jurisdiction at Bathinda.

Learned counsel for the petitioner submits that the petitioner is a senior citizen and the grandfather of minor child (named withheld). It is further submitted that unfortunately, the son as well as daughter-in-law (parents of the minor child) of the petitioner have died in a short span of time of four months, i.e. on 08.12.2017 and 07.04.2018, respectively. It is further submitted that the child is now residing with maternal uncle, i.e. brother of his mother, and he is presently studying in a school situated at Mansa.

The only ground taken in the present petition for the transfer of

the aforesaid petition is that the petitioner, who is a senior citizen, is not able to pursue the case at Mansa.

Learned counsel for respondent No. 1 submits that the paramount consideration in such circumstances will be the welfare of the child and respondent No. 1/maternal uncle is taking well care of the minor child. It is further submitted that the minor child is studying in a school at Mansa and respondent No. 1 is capable of maintaining him.

After hearing learned counsel for the parties, though this Court is not making any observation on the merits of the case as this is only a transfer petition, however, considering the fact that in the aforesaid petition filed under Section 7 of the Guardians and Wards Act, 1890, the Court may require the child to appear in Court for making a statement, therefore, in view of the welfare of the child, this Court finds no ground to transfer the aforesaid petition to Bathinda.

Accordingly, the present petition is dismissed.

05.09.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No