

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-5230 of 2019 (O&M)
Date of decision: 07.12.2022

Rajwinder Kaur

..Petitioner

Versus

Jagdeep Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amit Arora, Advocate
for the petitioner.

None for the respondent.

ANIL KSHETARPAL, J(Oral)

The application filed by the petitioner (respondent's wife) for the transfer of the proceedings in a petition filed under Section 6, 8 and 10 of the Guardians and Wards Act, 1890 from the Family Court at Patti, District Tarn Taran to Tarn Taran (District Headquarter) has been dismissed. It is claimed that the petitioner along with her children is residing at Tarn Taran (District Headquarter), whereas her husband is residing in the Sub Division Patti, though District Tarn Taran.

It has been stated that the proceedings under Section 125 Cr.P.C are already pending in the Family Court, at Tarn Taran. The District Judge has refused to allow the application on account of the fact that in the civil proceedings, the presence of the applicant on each and every date is not required.

In the considered view of this court, the conclusion drawn by the District Judge is myopic. Once there was no dispute that the husband is

already defending the proceedings under Section 125 Cr.P.C. at Tarn Taran, there was no special reason for declining the prayer for transfer of the aforesaid proceedings.

Hence, the impugned order is set aside. The revision petition shall stand allowed. The transferor Court is requested to transfer the case to the transferee Court forthwith.

The petitioner through her learned counsel is directed to appear before the Transferee Court on 23.12.2022.

All the pending miscellaneous applications, if any, are also disposed of.

December 07, 2022

(ANIL KSHETARPAL)
JUDGE

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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>