

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

T.A.No.1194 of 2021

Date of decision:25.02.2022

Kulwant Kaur

...Petitioner

Versus

Gurmeet Kaur

...Respondent

T.A.No.143 of 2021

Gurmeet Kaur

...Petitioner

Versus

Kulwant Kaur and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Keshav Pratap Singh, Advocate,
for the petitioner (in TA No.1194 of 2021)
for respondent no.1 (in TA No.143 of 2022)

Mr. Prashant Bansal, Advocate,
for the petitioner (in TA No.143 of 2022)
for the respondent (in TA No.1194 of 2021)

ANIL KSHETARPAL, J (Oral)

The grandmother as well as the natural mother are fighting for the custody of a minor child, namely, Tegvir Singh. The Tegvir's father has died on 28.09.2017. Smt. Gurmeet Kaur, widow of Gurnam Singh has re-married and has been blessed with another child. Admittedly, the custody of the child is with the grand mother, who is residing in Nawanshahr. It is also not in dispute that the first petition under Section 25 read with Section 7 of the Guardians and Wards Act, 1890, was filed by the grand mother-Smt. Kulwant Kaur in the month of August, 2019. The second petition was filed by Smt. Gurmeet Kaur (the natural mother) in the month of October, 2019, after the receipt of the notice in the first petition.

Now the situation is that two petitions are pending, one at Nawanshahr and the second at Fatehgarh Sahib. The two transfer applications have been filed. The grand mother has prayed for the transfer of the petition filed by Smt. Gurmeet Kaur (the natural mother) titled as “Gurmeet Kaur vs. Kulwant Kaur”, pending in the Court of Civil Judge (Sr. Division), Fatehgarh Sahib, to the Court of competent jurisdiction at SBS Nagar/Nawanshahr. Whereas Smt. Gurmeet Kaur has prayed for transfer of the petition filed by Smt. Kulwant Kaur (the grand mother) titled as “Kulwant Kaur vs. Gurmeet Kaur”, pending in the Court of District Judge/Presiding Officer, Family Court, Nawanshahr, to the Court of competent jurisdiction at Fatehgarh Sahib.

Admittedly, the child is staying with the grandmother at Nawanshahr. The petition filed by the grand mother is prior in time, which is pending at Nawanshahr. The relief sought in both the petitions is identical.

Keeping in view the aforesaid facts, the petition titled as “Gurmeet Kaur vs. Kulwant Kaur”, pending in the Court of Civil Judge (Sr. Division), Fatehgarh Sahib, is ordered to be transferred to Nawanshahr/SBS Nagar.

The learned District & Sessions Judge, Nawanshahr, is requested to consolidate the transfer petition with the first petition, which is already pending at Nawanshahr.

The parties through their counsels are directed to appear before the transferee court, on 11.03.2022. The transferrer court is requested to remit the file to the transferee court forthwith.

The learned Presiding Judge at Nawanshahr, is requested to

make sincere endeavours for the expeditious disposal of the cases.

With these observations, both the transfer applications are disposed of.

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

February 25, 2022
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(ANIL KSHETARPAL)
JUDGE

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