

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

Transfer Application No. 1455 of 2022 (O & M)

Date of decision: 29.11.2022

Ravinder Kaur

.....Petitioner

VS

Taranjeet Singh

.....Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Harish Mehla, Advocate
for the petitioner.

NIDHI GUPTA, J.(Oral)

1. Prayer in this petition filed by petitioner-wife is for transfer of the petition filed by her under Section 25 of the Guardian and Wards Act, 1980 read with Section 6 of the Hindu Minority and Guardianship Act, 1956, titled "Ravinder Kaur vs. Taranjeet Singh" pending in the Court of Principal Judge, Family Court, Kharar, District SAS Nagar (Mohali) to a Court of competent jurisdiction at Panchkula.

2. Learned counsel for the petitioner has contended :-

- i) that the parties were married on 02.09.2018 according to Sikh rites and rituals.
- ii) that one male child was born out of this wedlock, who is aged about 3 and is living in the care and custody of the respondent.

- iii) that the petitioner-wife is living separately from the respondent-husband since 06.06.2021 and living with her parents at their mercy at Panchkula.
- iv) that the petitioner is unemployed, having no source of income and totally dependent upon her parents and the respondent-husband is not paying anything to her towards maintenance.
- v) The proceedings arising out of petitions (1) under Section 125 Cr.P.C. and (2) FIR No.136 dated 19.9.2021, under Sections 323, 406 and 498-A IPC, registered at Police Station Women Police Station, District Panchkula, filed by the petitioner-wife, are pending in the Courts having competent jurisdiction at Panchkula.
- v) that the distance between place of residence of the petitioner-wife i.e. Panchkula and the place of proceedings under Section 25 of the Guardian and Wards Act, 1980 read with Section 6 of the Hindu Minority and Guardianship Act, 1956 filed by the petitioner-wife, pending before the Principal Judge, Family Court, Kharar, District SAS Nagar (Mohali), is about 60 kilometers of one side.
- vi) that there is no proficient male member in the family of the petitioner, who can accompany her to visit and attend the Court of proceedings at Kharar, District SAS Nagar (Mohali).

3. It is inter alia on these grounds that petitioner prays for transfer of the case, as detailed in para 1 above.

4. I have heard learned counsel for the petitioner.

Perusal of the file reveals that earlier the petitioner has also filed a petition under Section 25 of the Guardians and Wards Act, 1890 to the Court at Panchkula but the same was dismissed vide order

dated 15.12.2021 on the ground of jurisdiction. After that in the year 2021 itself the petitioner had approached to the Court at SAS Nagar (Mohali) and instituted a petition under Section 25 of the Guardian and Wards Act, 1980 read with Section 6 of the Hindu Minority and Guardianship Act, 1956 for the custody of minor son, namely, Agamjot Singh. Since for the last one year the petitioner is facing the proceedings before the Family Court, Kharar, District SAS Nagar, Mohali and the distance between the place, where the petitioner is residing i.e. Panchkula and the place, where the proceedings of the petition under Section 25 of the Guardian and Wards Act, 1980 read with Section 6 of the Hindu Minority and Guardianship Act, 1956, i.e. 60 kilometers is not such a distance, which the petitioner could not travel and even she has no responsibility of the minor son, who is living with the respondent-husband at SAS Nagar (Mohali).

In view of the above I find no reason to allow the petition filed by the petitioner-wife.

Hence the same is hereby dismissed.

Pending application(s), if any, stands disposed of.

November 29, 2022

Vijay Asija

**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned

YES/NO

Whether Reportable

YES/NO