

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA-92-2023 (O&M)
Date of decision: 01.09.2023

Jaspal Singh
.....Petitioner
Versus
Lakhwinder Singh
.....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. G.S. Bajwa, Advocate for the petitioner.
Mr. Tanish Gautam, Advocate for the respondent.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for transfer of the petition filed under Section 25 of the Guardians and Wards Act, pending in the Family Court, Ludhiana to the competent Court of jurisdiction at Amritsar.

Counsel for the petitioner has submitted that admittedly the minor child is residing with the petitioner/maternal grandfather and an FIR No.379 dated 15.10.2018 under Sections 304-B, 34 IPC at Police Station Salem Tabri, District Ludhiana against the accused persons.

Counsel for the petitioner has also argued that on account of the petition filed by the respondent, the petitioner is facing great difficulty in prosecuting the said case as there is a distance of about 150 Kms from Amritsar to Ludhiana.

Counsel for the petitioner has relied upon Section 9 of Guardians and Wards Act, 1890, which reads as under:-

***“Court having jurisdiction to entertain application
(1) if the application with respect to guardianship of the***

person of the minor, it shall be made to the District Court having jurisdiction in the place where the minor ordinarily resides.”

Counsel for the respondent could not dispute the factual position that the child is presently living in the care and custody of the petitioner – Jaspal Singh, who is the maternal grandfather as the mother of the child had died.

After hearing the counsel for the parties, considering the fact that the petitioner is taking care of the minor child being the maternal grandfather and further in view of the provisions laid down in Section 9 of the Guardians and Wards Act, this Court deem it appropriate to allow the present petition, subject to the following conditions:-

- 1. *The petition filed under Section 25 of the Guardians and Wards Act, pending before the Family Court, Ludhiana will be transferred to the competent Court of jurisdiction at Amritsar.*
- 2. *The District Judge, Amritsar, will assign the said petition to the competent Court of jurisdiction.*
- 3. *The Family Court, Ludhiana is directed to transfer all the record pertaining to the aforesaid case to District Judge, Amritsar.*
- 4. *The parties are directed to appear before the trial Court, Amritsar, within a period of 01 month from today.*
- 5. *The Court concerned, where the litigation pending between the parties, will accommodate them with one date in one calendar month.*

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

01.09.2023

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No