

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

109

TA No.122 of 2023 (O&M)

Date of decision: 31.01.2023

Meenu

...Petitioner(s)

vs

Parveen Kumar Nagar

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Chandeeep Singh, Advocate for the petitioner.

NIDHI GUPTA, J.(Oral)

1. Prayer in this transfer petition filed by petitioner wife is for transfer of the petition bearing No.GW/19/2022 filed by petitioner-wife herself under Section 25 of the Guardians and Wards Act, 1890, titled “Meenu vs. Parveen Kumar Nagar” pending in the Court of Principal Judge, Family Court, Ambala to a court of competent jurisdiction at Ludhiana.

2. Learned counsel for the petitioner, inter alia, submits that:

i) that the parties were married on 26.01.2015 and this is the second marriage of both the parties.

ii) that two children were born out of the wedlock on 17.11.2015 and 11.09.2018, who are presently in the care and custody of the respondent.

iii) that the petitioner is living with her parents in Ludhiana.

iv) that the petitioner is working in UCO Bank and the respondent is also a Central Govt. employee and residing in Ambala along with the minor children and his aged parents.

v) that the following cases are also pending between the parties:-

a. Complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005 at Ludhiana.

b. FIR No.12 dated 10.01.2022 registered under Sections 195-A, 323, 342, 498-A and 506 IPC at P.S. Parao Ambala Cantt.

vi) that the distance between place of residence of petitioner and place of proceedings is 110 kms. (one side)

3. I have heard learned counsel for the petitioner.

4. The legal position in such like cases as the present one, is well established. As per Section 9 of the Guardians and Wards Act, 1890, petition for custody is required to be filed where the minor child ordinarily resides. In the present case, minor children are admittedly residing with the respondent at Ambala. Moreover, aforementioned FIR is also pending at Ambala Cantt, and the petitioner has been unable to show as to why she is unable to travel.

5. Accordingly, in view of the facts as noted above, this petition stands dismissed. Pending applications, if any, stand disposed of.

31.01.2023

ashok

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No

(Nidhi Gupta)
Judge