

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

202-2

**TA No.453 of 2021 (O&M)
Date of decision: 17.02.2023**

Sapna Devi

...Petitioner(s)

vs

Ram Juwari

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Ms. Aarti Sharma, Advocate for
Mr. Shalender Mohan, Advocate for the petitioner.

Mr. SP Pilania, Advocate for the respondent.

NIDHI GUPTA, J.(Oral)

1. Prayer in this petition filed by petitioner-wife is for transfer of the petition bearing No.GW-14 of 2021 filed by herself under Section 25 of the Guardian and Wards Act, 1890, titled "Sapna Devi vs. Ram Juwari" pending in the Court of Principal Judge, Family Court, Jind to a court of competent jurisdiction at Hisar.

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

i) that the marriage between the parties was solemnized in the year 2008.

ii) that two daughters were born out of this wedlock, who are admittedly in the care and custody of the respondent-husband.

iii) that the petitioner is residing with her aged parents at Hisar.

iv) that the distance between her place of residence and place of proceedings is 70 kms. (one side).

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

a. Petition under Section 125 Cr.P.C.

b. Petition under the Protection of Women from Domestic Violence Act, 2005.

c. Application dated 29.12.2020 before SHO,
Hisar/SP, Hisar.

3. Learned counsel for the respondent opposed the present petition and states that as per Section 9 of the Guardian and Wards Act, 1890, petitioner has to file the petition for custody where the minor ordinarily reside.

4. I have heard learned counsel for the parties.

5. 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 child is admittedly residing with respondent at Jind.

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

17.02.2023

ashok

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No

(Nidhi Gupta)
Judge