



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.111

TA-502-2024
Date of Decision: 23.07.2024

BEHNAMI AND ANOTHER

....Applicants

Versus

NITIN KUMAR ARORA AND ANOTHER

....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Lupil Gupta, Advocate
for the applicants.

ARCHANA PURI, J. (Oral)

The applicants, who are the maternal grand-parents of the minor daughters, qua whom the petition bearing No.GW/48/2023, has been filed under Section 25 of the Guardians and Wards Act, at the instance of the Nitin Kumar Arora, have filed the present application for seeking transfer of the aforesaid Guardian petition, which is pending in the Court at Mansa, to the Court of competent jurisdiction at Mandi Dabwali.

It is submitted by learned counsel that two female children were born from the wedlock of the respondents No.1 and 2, but however, in pursuance of the proceedings conducted in FIR No.67 under Sections 420, 465, 467, 468, 470, 471, 120-B IPC and Section 67 of the I.T. Act, registered at Police Station Canal Colony, District Bathinda, respondent No.2, was behind the bars. It is submitted that since the children are in the custody of the applicants, it is difficult for the applicants to pursue the Guardian petition, at a distance of about 90 kilometers, from the place of her residence at Mansa.



On query by the Court, it has been disclosed by learned counsel for the applicant that mother of the minor children in question, has since been released from the custody, by order passed by this Court and both the daughters are in the care and custody of respondent No.2-Baby Rani.

In the given circumstances and considering the fact of petition under Section 25 of the Guardians and Wards Act, 1890, having filed against the present applicants, as well as the mother of both the minor children, namely, Baby Rani, copy whereof is Annexure P-1 and also considering the fact that both the minor daughters, as submitted, are in the custody of respondent No.2-Baby Rani, their natural mother, no case, as such, is made out for allowing the application, filed at the instance of the maternal grandparents.

Hence, the instant application is hereby dismissed.

23.07.2024
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No