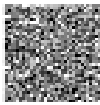


IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

117

2024.PHHC:145927



TA-1139-2024
Date of decision: 08.11.2024

RUHI MAHAJAN ..Petitioner
Versus
ADITYA MAHAJAN ..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. S.K. Chaudhary, Advocate for the petitioner.
Mr. Abdul Shehbaz Thind, Advocate for respondent.

ANIL KSHETARPAL, J(Oral)

1. On 18.09.2024, the following order was passed:-

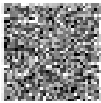
“The applicant-wife has filed the present application for seeking transfer of petition under the Guardians and Wards Act, filed by the respondent-husband, pending in Family Court Ludhiana and she seeks transfer of the same to the Court of competent jurisdiction at Pathankot.

It is submitted by the counsel for the applicant that on account of the matrimonial discord, the parties to the lis are residing separate. The minor child, namely, Krishang Mahajan, born from this wedlock, who is about 9 years old, is in the care and custody of the applicant. To seek his custody, the respondent-husband had filed the petition under the Guardians and Wards Act. The said child, while in the custody of the applicant, is studying in Army Public School, Bathinda. However, this is the last session, where he is to study in the Army School and thereafter, he shall begin his studies at Pathankot. In the given circumstances, the counsel submits that it is difficult for the applicant to commute a distance of about 165 kilometres, to defend the guardianship petition. Also, the petition under Section 125 Cr.P.C., as well as the complaint under Sections 323, 406 & 506 IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961, filed by the applicant, relating to this matrimonial dispute, are already pending in the Courts at Pathankot.

It is submitted by the counsel that the case is pending before learned Family Court and the same is at appearance stage. He given an undertaking to ensure the appearance of the applicant, on the date fixed, or on the next date before learned Family Court.

Notice of motion for 07.11.2024.

After acknowledging the appearance of applicant or her counsel, learned Family Court shall adjourn the guardianship petition, beyond the date fixed in the present case.”



2. The respondent has filed a petition under the Guardian and Wards Act, 1890, seeking custody of a child from his wife (child’s mother), which is pending before Family Court, Ludhiana. Ordinarily, the child is a resident of Pathankot, though, he is at present studying in Army Public School, Bathinda and hence, residing in a hostel. It is evident that the respondent is already defending two cases pending in the Court of Pathankot.
3. Keeping in view the aforesaid facts, the transfer application is allowed.
4. The petition bearing No.GW/99/2024, titled as “Aditya Mahajan Vs. Ruhi Mahajan”, presently pending before the Court of District and Sessions Judge, Ludhiana, is ordered to be transferred to the Court of competent jurisdiction at Pathankot.
5. Learned counsel for respondent submits that the trial Court should be directed to decide the case expeditiously.
6. Keeping in view the facts of the case, the Court at Pathankot is requested to make sincere endeavor for expeditious disposal of the case.
7. The transferor Court is requested to remit the case file to the transferee Court forthwith.
8. The parties through their counsel are directed to appear before the transferee Court on 04.12.2024.

November 08th, 2024
Ay

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No