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

Sr. No.115

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Date of Decision: 11.08.2025

SAMEER VERMA

....Applicant

Versus**RAKESH KUMAR AND ANOTHER**

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. D.S. Khurana, Advocate
for the applicant.

Mr. Vansh Malhotra, Advocate
for respondent No.1 (sole contesting respondent).

ARCHANA PURI, J. (Oral)

The applicant-Sameer Verma has filed the present application for seeking transfer of the petition under Section 25 of the Guardians and Wards Act i.e. GW/4/2023, titled '*Rakesh Kumar Vs. Sameer Verma and another*', filed by respondent No.1-Rakesh Kumar, pending in the Family Court (Camp Court) Jalalabad, District Fazilka and he seeks transfer of the same to the Court of competent jurisdiction at Karnal.

Upon notice, respondent No.1, who is the sole contesting respondent, made appearance through counsel and filed reply.



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Counsel for the parties heard.

At the very outset, it is submitted by the counsel for the applicant that Naaz, daughter of respondent No.1-Rakesh Kumar, was married to the applicant, on 16.11.2016. One son was born from the said wedlock, who is about 7 years old. Unfortunately, Naaz died on 07.05.2020 and FIR qua her death was lodged by respondent No.1, under Section 306 IPC. The applicant faced trial relating to the said FIR and has since been acquitted by learned trial Court.

Also, it is submitted that ever since the birth, the son, is in the care and custody of the applicant and he is studying in Dyal Singh Public School, Dyal Singh Colony, Karnal, at present. In the given circumstances, it is submitted that it is difficult for the applicant, to defend the guardianship petition, which has been filed by the maternal grand-father of the child in question, at Jalalabad.

On the other hand, the counsel for respondent No.1, while making reference to the reply, submits that the applicant, together with the child, was also residing at Jalalabad, which is the ancestral place of the applicant. It was only after filing of the guardianship petition, that the applicant, together with the son, has shifted to Karnal. In this regard, the counsel for respondent No.1 has made reference to Annexure P-2, certificate issued by the school authorities at Karnal, which reflect about the child in question, to be studying in the school, since 06.05.2024, whereas the guardian petition was filed in the year 2023. Also further, the counsel submits that respondent No.1 has no objection, if the child continues to remain in the custody of the applicant, but however, he seeks only visitation



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rights, to have interaction with the child, at least once a month.

In view of the submissions aforesaid, it is pertinent to mention that wherever the question, with regard to custody of the child is raised, the paramount consideration of the Courts is the welfare of the child. Undisputedly, the guardian petition was filed at Jalalabad. The parental family of the applicant is also based in Jalalabad. It is submitted by the counsel for respondent No.1 that the applicant, at the time of filing of the guardian petition, was resident of Jalalabad, District Fazilka. The certificate of the school authorities has come on record, which reveals about the admission of the child having taken place at Karnal, in May 2024, which is after filing of the guardian petition. May it be so. The child is staying with his father, ever since the birth.

In view of the aforesaid fact situation and also considering about the welfare of the child, more particularly, considering the distance between the two places to be about 350 kilometres, it is just and expedient to accept the application. Hence, the transfer application is hereby allowed and the petition under Section 25 of the Guardians and Wards Act i.e. GW/4/2023, titled '*Rakesh Kumar Vs. Sameer Verma and another*', filed by respondent No.1, stands transferred from the Family Court (Camp Court) Jalalabad, District Fazilka, to the Court of competent jurisdiction at Karnal. The requisite record of the aforesaid case be sent by the Family Court (Camp Court) Jalalabad, to the District and Sessions Judge, Karnal.

Learned District and Sessions Judge, Karnal, shall assign the said petition to the Family Court, Karnal. Even, the parties are directed to appear before the Family Court, Karnal, within a period of one month from



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today onwards.

So far as, the prayer made by the counsel for respondent No.1, about having visitation rights to have interaction with the child, is concerned, the same cannot be adjudicated by this Court, while dealing with the transfer application. However, respondent No.1, always has an option to file an appropriate application before the concerned Court, where Guardian petition is to be assigned and thereupon, the Court concerned shall pass an appropriate order, with regard to the visitation rights, if any to be granted to respondent No.1, in the fitness of the circumstances.

11.08.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No