

2025:PHHC:005688



TA-835-2024 (O&M)

DATE OF DECISION : 16.01.2025

MANDEEP KAUR

... APPLICANT

V/S

BOHAR SINGH

... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Ms. Sapna Khurana, Advocate for
Mr. Vaibhav Narang, Advocate for the applicant.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. Petition under Section 24 of the Code of Civil Procedure has been filed by the applicant with a prayer to transfer the petition bearing Case No.GW-7 of 2022 pending in the Court of learned Principal Judge, Family Court, Tarn Taran under Section 25 of the Guardian and Wards Act, 1890 (for short 'the Act of 1890') to the competent Court having jurisdiction at District Amritsar.

2. Learned counsel for the applicant contends that respondent Bohar Singh has filed a petition under Section 25 of the Act of 1890 seeking custody of the minor child, aged 2 years, at Family Court, Tarn Taran despite the fact that he himself is residing in District Ferozepur, merely, on the basis of submissions in para No. 15 of Annexure P-1 that the minor child is stated to be residing in District Tarn Taran. It is contended that

applicant Mandeep Kaur along with her minor child is residing in District Amritsar and even she has filed a petition under Section 13 of the Hindu Marriage Act, 1955 seeking dissolution of marriage, Annexure P-2, which is pending before the Family Court, Amritsar.

3. It is further contended that the minor child is presently studying in Amritsar in Little Angels Play Pen School, which is evident from the fee receipt, Annexure P-3. It is submitted that it is inconvenient for the applicant to attend Court proceeding at Tarn Taran along with the minor child and even the distance between Tarn Taran and Amritsar is approximately 35 kms.

4. Notice of motion was issued to the respondent but none has put appearance on behalf of the respondent despite service. He was proceeded against ex parte vide order dated 08.01.2025.

5. Keeping in view the difficulty faced by the applicant and in view of the law laid down by Hon'ble the Supreme Court in Sumita Singh Vs. Kumar Sanjay and another AIR 2002 SC 396, Rajani Kishor Pardeshi Vs. Kishor Babulal Pardeshi (2005) 12 SCC 237 and N.C.V. Aishwarya Vs. A.S.Saravana Karthik Sha 2022 SCC OnLine SC 1199, the petition under Section 25 of the Guardian and Wards Act filed by the respondent-husband bearing Case No. GW-7 of 2022 pending in the Court of learned Principal District Judge, Family Court, Tarn Taran, is ordered to be withdrawn from the Court of Principal District Judge, Family Court, Tarn Taran and transferred to the Principal Judge, Family Court, Amritsar.

6. Application stands allowed.

16.01.2025

Janki

(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No