



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

Sr. No.201

TA-970-2024

Date of Decision: 11.02.2025

POOJA

....Applicant

Versus

CHAND KANWAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Sandeep Singal, Advocate for the applicant.

None for the respondent.

ARCHANA PURI, J. (Oral)

The applicant/mother has filed the present application for seeking transfer of the petition under Section 6 of the Guardians and Wards Act i.e. GW/73/2023, titled '*Chand Kanwar Vs. Pooja*', filed by the respondent-father (husband of the applicant), pending in the Family Court, Kaithal and she seeks transfer of the same to the Court of competent jurisdiction at Meham, District Rohtak.

In pursuance of the notice issued, respondent did not make appearance and as such, he is proceeded against *ex parte*.

Learned counsel for the applicant heard.

It is submitted by the counsel for the applicant that the marriage between the parties to the lis, had taken place on 11.06.2011. One son was born from the said wedlock on 08.05.2013, who is presently in the care and custody of the applicant. However, due to the matrimonial discord, the parties are residing separate. The applicant along with the minor son, is residing at her parental place. She has filed one petition for seeking



divorce, which is pending in the Family Court (Camp Court) Meham, District Rohtak and the said case is at the fag end of the hearing. The respondent is pursuing the said divorce petition. Considering the same, a prayer has been made for transfer of the guardianship petition.

In view of the aforesaid submissions, it is pertinent to mention that the respondent has not come forth to contest the transfer application. The applicant is not having any source of earning and is totally dependent upon her parental family. Furthermore, she is taking care of the minor child. Considering the same, it shall be inconvenient for the applicant, to commute a distance of about 116 kilometres, to defend the guardian petition.

In view of the aforesaid fact situation, the transfer application is allowed and the petition under Section 6 of the Guardians and Wards Act i.e. GW/73/2023, titled '*Chand Kanwar Vs. Pooja*', filed by the respondent-father (husband of the applicant), stands transferred from the Family Court, Kaithal, to the Court of competent jurisdiction at Meham, District Rohtak. The requisite record of the aforesaid case be sent by the Family Court, Kaithal, to the District and Sessions Judge, Rohtak.

Learned District and Sessions Judge, Rohtak, shall assign the said petition to the Family Court (Camp Court) Meham. Even, the parties are directed to appear before the Family Court (Camp Court) Meham, within a period of one month from today onwards.

11.02.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No