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

Sr. No.105**TA-1472-2023****Date of Decision: 06.05.2025****SANTRA DEVI AND OTHERS****....Applicants****Versus****RAVI KUMAR AND OTHERS****.....Respondents****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Chandeeep Singh, Advocate
for the applicants.

Mr. Jaspreet Singh Brar, Advocate
for respondent No.1.

None for respondent No.2, despite service.

ARCHANA PURI, J. (Oral)

The applicants (maternal grand-mother of the child in question) and others, have filed the present application for seeking transfer of the petition under Section 25 of the Guardians and Wards Act i.e. GW/20/2023, titled '*Ravi Kumar Vs. Santra Devi and others*', filed by respondent No.1. The said petition is pending in the Family Court, Faridkot and she seeks transfer of the same to any Court of competent jurisdiction at Moga or Ludhiana.

Upon notice issued, respondent No.1 made appearance and filed



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reply. However, despite service, none had made appearance on behalf of respondent No.2, on previous dates. Even today, none has made appearance on his behalf. As such, respondent No.2 is proceeded against *ex parte*.

The counsel for the parties heard.

At the very outset, it is submitted by the counsel for the applicants that the marriage of respondent No.1, had taken place with Rajni, who is daughter of applicant No.1 and from their wedlock, one daughter was born on 23.09.2018. However, unfortunately the daughter of applicant No.1 had died on 04.06.2023 and the custody of the child in question was with applicant No.1, who is grand-mother of the child, prior to death of Rajni and after her death also, applicant No.1 was having the custody of the said child. Now, respondent No.1, who is the natural father of the child, had filed the guardianship petition, at Faridkot, though, there was no jurisdiction for him, to file the petition at Faridkot. In fact, it is submitted that prior to the death of Rajni (the mother of the child in question), there was a matrimonial dispute, as a result whereof, Rajni together with the child in question, was living with her parental family in Moga. The said child is now studying in LKG in a private school, namely, Shivalik Model Senior Secondary School, Nehru Park Road, Near Amit Palace, Moga.

Also, it is submitted that in fact, there is no one residing at Faridkot. Only to create jurisdiction in the petition (Annexure A-2), one Koku, wife of Kala, has been impleaded as respondent No.5. It is submitted that in fact, the applicants do not know any such person. Also further, it is submitted that the other daughter of applicant No.1, namely, Renu, is resident of Ludhiana. In the given circumstances, to look after the minor



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child, the guardianship petition, may be transferred either to Moga or Ludhiana.

On the other hand, the counsel for respondent No.1, while making reference to the reply filed, submits that there was no dispute between him and Rajni. Also, it is submitted that after the death of Rajni, the child is living with applicant No.1 at Moga. Thereafter, applicant No.1 has failed to give the custody of the child in question. Respondent No.1 is the natural father and as such, the guardian of the minor child.

On query by the Court, with regard to impleadment of Koku, respondent No.5 in the guardianship petition, the counsel for respondent No.1 expressed his ignorance, as to why and how, she has been impleaded. Also, he expressed his ignorance about the relationship of the applicants or respondent No.1, with Koku. Moreover, the child in question is studying in LKG in the school at Moga. The copy of the fee card receipt has been placed on record, copy whereof is Annexure A-3.

Considering the aforesaid circumstances, as the child in question, at the relevant time of death of her mother, was residing with applicant No.1/maternal grand-mother, at Moga and she is also studying in the school at Moga, it shall be appropriate to consider the convenience of the maternal grand-mother to pursue the litigation, more particularly, while she is taking care of the minor child. As such, the transfer application is allowed and the petition under Section 25 of the Guardians and Wards Act i.e. GW/20/2023, titled '*Ravi Kumar Vs. Santra Devi and others*', filed by respondent No.1, stands transferred from the Family Court, Faridkot, to the Court of competent jurisdiction at Moga. The requisite record of the



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aforesaid case be sent by the Family Court, Faridkot, to the District and Sessions Judge, Moga.

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

06.05.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No