



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

Sr. No.106

TA-1344-2024

Date of Decision: 19.03.2026

CHANDA RANI AND ANOTHER

....Applicants

Versus

RAJINDER KUMAR AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Mayur Singla, Advocate
for the applicants.

Mr. Piyush Sharma, Advocate
for respondents No.1 and 2 (only contesting respondents).

ARCHANA PURI, J. (Oral)

Applicant No.1-Chanda Rani, along with her second husband, who is applicant No.2, has filed the present application for seeking transfer of the petition under Section 7, read with Section 25 of the Guardians and Wards Act i.e. GW/32/2021, titled '*Rajinder Kumar and another Vs. Chandi Rani and others*', filed by respondents No.1 and 2, grand-parents of the children in question. The said petition is pending in the Family Court Faridkot and the applicants seek transfer of the same to the Court of competent jurisdiction at Chandigarh.



In pursuance of notice issued, respondents No.1 and 2, who are the only contesting respondents, made appearance through counsel and filed reply.

Counsel for the parties heard.

At the very outset, it is submitted by the counsel for the applicants that applicant No.1-Chanda Rani was earlier married to Gourav, son of respondents No.1 and 2. This marriage had taken place in the year 2012 and two daughters were born from the said wedlock, who are aged about 11 years and 8 years, at present. Unfortunately, Gourav, first husband of applicant No.1, had died in a motor vehicular accident, in the year 2019. Thus, while facing constrained circumstances, applicant No.1 got married to applicant No.2. Both the daughters born from the first marriage of applicant No.1, are in the care and custody of the applicants. However, respondents No.1 and 2 have filed the petition in question, in the Courts at Faridkot, whereas, they themselves are residing at Moga. In fact, it is submitted that applicant No.2-Vicky, is working in the Department of Health and Family Welfare, Government of Punjab, Sector-34, Chandigarh and is presently posted in SAS Nagar, as a Class-IV employee. He has been allotted a government quarter in Sector-35, Chandigarh. Applicant No.1 and both the daughters are living with applicant No.2, in the said accommodation.

Moreover, both the daughters are pursuing their education from Guru Gobind Singh Public School, Sector-35, Chandigarh. The distance between the two places i.e. Faridkot and Chandigarh, is 222 kms. Considering the same, it is submitted that it is difficult for applicant No.1,



who is not having any source of earning, to defend the guardianship petition, pending at Faridkot.

On the other hand, counsel for respondents No.1 and 2, while making reference to the reply, refutes the claim for transfer of the guardianship petition. In fact, it is submitted that applicant No.1 was earlier residing at Faridkot and on this account only, the petition in question was filed there. However, she has intentionally shifted to Chandigarh, as alleged, only to cause harassment to the contesting respondents, who are aged persons. In fact, counsel submits that false complaints are filed by the applicants, against the contesting respondents, with a purpose to cause harassment, to force them to withdraw the guardianship petition.

In view of the submissions aforesaid, it is pertinent to mention that while considering the transfer application, relating to family dispute, various factors shall be taken into consideration. In the case in hand, the most weighing and relevant factor is about the two daughters, born from the first marriage of applicant No.1, who are of growing age, to be residing along with their mother i.e. applicant No.1, in Chandigarh. Though, guardianship petition has been filed at Faridkot, but there is nothing coming on record, about any cause of action having accrued at Faridkot. Though, the counsel for the contesting respondents has submitted that applicant No.1 was earlier residing at Faridkot, but there is no material coming on record, to substantiate this plea. The applicants have placed on record photocopy of the identity card of applicant No.2, as well as allotment letter of government accommodation, electricity bill relating to the same and photocopy of identity cards of both the daughters, which are Annexures P-3 to P-6, which



amply establish about the applicants along with the daughters in question, to be residing in Chandigarh. As such, the education of both the daughters is pursued in Chandigarh.

In view of the aforesaid fact situation, while vouchsafing the ‘best interest’ of the children and more particularly, taking into consideration the nature of litigation, which requires the interaction of the Court with the children, the transfer application is allowed and the petition under Section 7, read with Section 25 of the Guardians and Wards Act i.e. GW/32/2021, titled ‘Rajinder Kumar and another Vs. Chandi Rani and others’, filed by respondents No.1 and 2 (grand-parents of the children in question), stands transferred from the Family Court, Faridkot, to the Court of competent jurisdiction at Chandigarh. The requisite record of the aforesaid case be sent by the Family Court, Faridkot, to the District and Sessions Judge, Chandigarh.

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

19.03.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No