



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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TA-1352-2024 (O&M)
Date of Decision: April 29, 2026

Mandeep Kaur and others
...Applicants

Versus

Balbir Singh and others
...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Chandan Singh Rana, Advocate
for the applicants.

Mr.Paras Jhamb, Advocate
for the respondents.

ARCHANA PURI, J.

Applicant-Mandeep Kaur, together with her parents has filed the present application for seeking transfer of the petition under Section 7 and 10 of the Guardian and Wards Act, filed at the instance of respondents No.1 and 2, bearing Guardian and Wards case number 4 dated 03.04.2024, which is pending in the Courts at Guruharsahai, District Ferozepur and they seek transfer of the same to the Court of competent jurisdiction at Nakodar, District Jalandhar.

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

Counsel for the parties heard.



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At the very outset, it is submitted by counsel for the applicant that applicant No.1 was married to son of respondents No.1 and 2. Unfortunately, husband of applicant No.1 had died on 16.09.2023. From the said wedlock, twins were born, namely Harneet Kaur and Gurkirat Singh on 07.08.2019. Both the said children are in care and custody of applicant No.1, at present.

Furthermore, it is submitted that earlier, in the absence of applicant No.1, respondents No.1 and 2 had forcibly taken away the children, from her, whereupon, habeas corpus petition i.e. CRWP-3351-2024 was filed and on the basis of the order passed in the aforesaid petition on 03.05.2024, copy whereof is Annexure P-2, the custody of the said children was handed over to applicant No.1.

Also, it is submitted by counsel for the applicants that both the said children are studying Guru Nanak Dev Public School, at village Bagga, Tehsil Shahkot, District Jalandhar. It is further submitted that in such circumstances, it is difficult for the applicant to pursue the Guardian and Wards Act petition, filed at the instance of respondents No.1 and 2, which is pending in the Courts at Guruharsahai. The distance between the two places is stated to be 150 Kms.

On query by the Court, it is also stated by counsel for the applicants that applicant No.1 is not having any source of earning and is dependent upon her parents, who are applicants No.2 and 3.

On the other hand, counsel for respondents No.1 and 2, while making reference to the reply, has resisted the claim for transfer of the Guardian and Wards Act petition. In fact, counsel submits that the Guardian



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and Wards Act petition was filed at the instance of respondents-grandparents, prior to the filing of the habeas corpus petition. Moreover, in the order passed in the habeas corpus petition, also the observations were made by the Coordinate Bench that the order dated 03.05.2024 shall not have any bearing on the motion, if the Guardian petition is instituted by respondents No.1 and 2.

Otherwise also, it is submitted that proceedings are of civil nature and the applicants are not required to make appearance on each and every date of hearing.

In view of the aforesaid submissions, it is pertinent to mention that while adjudicating on the transfer application, relating to the family disputes, the Courts generally lean towards the interest of the women as well as the children. In the case in hand, unfortunately, husband of applicant No.1, who was son of the respondents No.1 and 2, had died. Both the aforesaid children, were allegedly taken by respondents No.1 and 2 from the custody of applicant No.1, on the basis whereof, applicant No.1 was constrained to file the habeas corpus petition, which was finally disposed of vide order dated 03.05.2024 and therein, a direction was given to handover the children to applicant No.1 and on the basis of the aforesaid order, the custody of the children came to be with applicant No.1.

Even though, the Guardian and Wards Act petition, as such, was filed and remained pending, but however, the other circumstances, spelt out, ought to be taken into consideration. Both the aforesaid children are about 6 years old and are studying in the school at Shahkot, District Jalandhar. Applicant No.1, who is mother of the said children, is not working.



Considering the age of the children and also about applicant No.1, to be not having any source of earning, as well as considering the distance between the two places and above all, watching the interest of the minor children, who require the presence of their mother for their upbringing and further considering the fact of singular parenting to be an arduous task, in the fitness of the circumstances, the transfer application, as such, is hereby accepted and the petition under Section 7 and 10 of the Guardian and Wards Act, filed at the instance of respondents No.1 and 2, bearing Guardian and Wards case number 4 dated 03.04.2024, stands transferred from the Courts at Guruharsahai, District Ferozepur, to the Court of competent jurisdiction at Nakodar, District Jalandhar. The requisite record of the aforesaid case be sent by the Courts at Guruharsahai, District Ferozepur, to the District and Sessions Judge, Jalandhar.

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

April 29, 2026
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No