

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****232****TA-1698-2025(O&M)****Date of decision: 13.05.2026****Jaanvi****...Petitioner(s)****Vs.****Jarj Singh @ Gagandeep Singh @ Gagan & Another****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Bhavesh Aggarwal, Advocate
for the petitioner.

NIDHI GUPTA, J.

Prayer in this petition filed by petitioner-wife is for transfer of the Case bearing GW-31-2025 titled "Jarj Singh @ Gagandeep Singh Vs. General Public & Another" (Annexure P3), filed by respondent No.1/husband against the petitioner under Sections 7, 10, 25 of the Guardians and Wards Act, 1890 read with Section 6 of Hindu Minority and Guardianship Act, 1956 (hereinafter referred as 'the Act'), seeking custody of minor child Nilansh, presently pending before the Addl. Principal Judge, Family Court, Jalandhar to a Court of competent jurisdiction at Amritsar.

2. Learned counsel for the petitioner, inter alia, submits that:

i) the parties had solemnized marriage on 25.02.2024;



- ii) due to matrimonial discord, the parties started living separately from 02.04.2024;
- iii) one son was born out of their wedlock on 04.11.2024, who is in the care and custody of the petitioner at Amritsar;
- iv) the respondent No.1 has filed the present custody petition at Jalandhar purely to harass the petitioner;
- v) as per law, custody petition is to be filed at the place of residence of the child;
- vi) there are two other cases already pending at Amritsar which are as under:-
 - 1. Complaint under Section 12 of the DV Act (Annexure P2);
 - 2. Petition filed by the petitioner under Section 13 of the Hindu Marriage Act for dissolution of marriage pending before Family Court, Amritsar (Annexure P1);
- vii) being a lady with the minor child, it would be very difficult for the petitioner to frequently travel as one way distance from Jalandhar to Amritsar is 90 kms;
- viii) no maintenance is being paid to the petitioner by the respondent, and she is neither working nor having any source of income as she is taking care of the minor son by herself.

3. It is accordingly prayed that the present petition be allowed and the custody petition be transferred from Jalandhar to Amritsar.



4. I have heard learned counsel for the petitioner.
5. Order sheets shows that notice in the present case was issued by Predecessor Bench vide order dated 22.12.2025. Again, fresh notice was issued to the respondent No.1 vide order dated 05.02.2026. In order dated 17.03.2026, it is recorded that:-

"As per office noting, summons sent for service of respondent has been received back with the report that mother of the respondent refused to accept the notice and affixation was done. As such, the service in all intents and purposes, is complete. However, there is no representation on behalf of respondent today.

In the interest of justice, adjourned to 09.04.2026."

6. Today, none appears on behalf of the respondent despite Service. Clearly therefore, the respondent No.1 is not willing to appear despite service; as refusal of service is valid service.

7. As already noted above and as stated in Para 8 of the present petition, the petitioner *".....is residing with her old aged parents at Amritsar along with her minor son Nilansh after being turned out of her nuptial home, and since she is neither working, nor having any job or source of income for herself, therefore, it is not possible for the petitioner to pursue the case at Jalandhar, as she is not having sufficient means to travel and take care of herself and her son all alone."*

8. As per established legal position, the above said reasons constitute sufficient ground to grant transfer from Jalandhar to Amritsar.



Even otherwise, as per Section 9 of the Guardian and Wards Act, 1890, petition for custody is required to be filed where the minor child ordinarily resides. In the present case, minor son is undisputedly residing with the petitioner at Amritsar.

9. After going through the entire paper-book, this Court deems it appropriate to **allow** the present petition, subject to the following conditions: -

a) The petition bearing No.GW-31-2025 filed by respondent No.1-husband under the Act, titled 'Jarj Singh @ Gagandeep Singh Vs. General Public & Another" pending in the Court of learned Addl. Principal Judge, Family Court, Jalandhar is transferred to a Court of competent jurisdiction at Amritsar.

b) The Id. District Judge, Jalandhar is directed to transfer complete record pertaining to the aforesaid case to District Judge, Amritsar.

c) The parties are directed to appear before the District & Sessions Judge, Amritsar on 01.07.2026.

d) The District Judge, Amritsar will assign the said petition to the Court of competent jurisdiction.

10. As already noticed above, since the petition is being disposed of in the absence of respondent(s), accordingly, in these peculiar circumstances, in order to ensure appearance of the parties before the



District Judge, Amritsar on 01.07.2026, it is directed that a copy of this order be sent to the respondent(s) through registered post, besides sending a copy of this order to the District Judges concerned through e-mail. Petitioner through her counsel, present in the Court, is directed to ensure her appearance accordingly.

11. Present Transfer Application stands **allowed** as above.

13.05.2026

Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No