

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

TA No.480 of 2011

Date of decision : 23.01.2012

Daya Sharma @ Dayawanti

...Applicant

Versus

Rajesh Kumar Sharma

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Jatinder Kumar, Advocate,
for the applicant.

None for the respondent.

JITENDRA CHAUHAN, J. (Oral)

1. The present application has been preferred by the applicant-wife under Section 24 of the Code of Civil Procedure, praying for the transfer of the petition titled as 'Rajesh Kumar Vs. Dayawanti', filed by the respondent under Section 8 of the Guardians and Wards Act (for short 'the Act'), from the Court of learned Additional Civil Judge, Senior Division Narnaul, to the Court of competent jurisdiction at Hisar.

2. There is no representation on behalf the respondent.

3. As per Section 9 of the Guardians and Wards Act, an application with respect to the guardian of the person of the minor, shall be made to the District Court having jurisdiction in the place

where the minor ordinarily resides. Prima facie, the District Court at Hisar has the jurisdiction to entertain and try the petition under Section 8 of the Act.

4. Moreover, the applicant-wife is residing at Hisar. The respondent-husband filed petition under Section 8 of the Act, which is pending before the learned Additional Civil Judge (Sr. Divn.), Narnaul. It would certainly be difficult for the wife, living at the mercy of her parents, having no source of income and saddled with the responsibility of raising her minor daughter, to attend the court proceedings at Narnaul.

5. In view of the above, the instant transfer application is allowed and the petition under Section 8 of the Act titled as 'Rajesh Kumar Vs. Dayawanti' is withdrawn from the Court of learned Additional Civil Judge (Sr. Divn.) Narnaul, and is transferred to the Court of competent jurisdiction at Hisar. The entire record pertaining to the petition under Section 8 of the Act, shall be sent by the trial Court at Narnaul to the learned District Judge, Hisar, within three weeks.

6. The parties shall appear before the Court of learned District Judge, Hisar, on 03.03.2012 at 10.00 a.m.

23.01.2012
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(JITENDRA CHAUHAN)
JUDGE

Note : Whether to be referred to Reporter ? Yes / No