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**(2013) 08 P&H CK 0762**

**High Court Of Punjab And Haryana At Chandigarh**

**Case No:** TA No. 463 of 2012 (O and M)

Kiranjit Kaur

APPELLANT

Vs

Amarjit Singh @ Kala

RESPONDENT

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**Date of Decision:** Aug. 5, 2013

**Acts Referred:**

- Guardians and Wards Act, 1890 - Section 9

**Hon'ble Judges:** Jaswant Singh, J

**Bench:** Single Bench

**Advocate:** D.R. Singla, for Mr. Inderjit Sharma, for the Appellant; L.S. Sidhu, for the Respondent

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**Judgement**

Jaswant Singh, J.

Petitioner-wife is seeking the transfer of petition filed by the respondent-husband seeking custody of the three minor children titled as "Amarjit Singh vs. Kiranjit Kaur" from the courts at Sirsa to a court of competent jurisdiction at Bathinda. Counsel for the parties have been heard.

2. It is not in dispute that the marriage of the parties was solemnized in the year 2001 and out of this wedlock one daughter and two sons were born. It is also not in dispute that due to their matrimonial dispute, the wife along with three minor children is residing at her parental home at Bathinda whereas the husband is a resident of village Kherpur, Tehsil and District Sirsa. It is also not in dispute that keeping in view the provisions of Sub Section 1 of Section 9 of the Guardian and Wards Act, 1890, the petition seeking the custody of the person of the minor is maintainable where the minor children ordinarily resides. It is not disputed by counsel for the respondent that the three minor children are presently residing with petitioner-wife at Bathinda. Thus in view of the above circumstances and in view of sub Section 1 of Section 9 of the Guardian and Wards Act, 1890, the present petition is allowed and petition filed by the respondent-husband under Guardian and Wards Act, 1890 in the court of Additional Civil Judge (Sr. Divn.) Sirsa titled as Amarjit Singh

vs. Kiranjit Kaur is ordered to be withdrawn and transferred to the courts of competent jurisdiction at Bathinda for disposal in accordance with law from the stage of withdrawal.