



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

Sr. No.244

**TA-311-2024
Date of Decision: 07.05.2025**

SUNITA AND ANR

....Applicants

Versus

SONU

....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Sanchit Punia, Advocate
for the applicant.

Mr. Anupam Sharma, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

The applicants-Sunia and her son, have filed the present application for seeking transfer of the petition under Section 25 of the Guardians and Wards Act i.e. GW/5/2024, titled "*Sonu v/s Sunita and another*", filed by the respondent, which is pending in the courts at Bhiwani and they seek transfer of the same to the court of competent jurisdiction at Hisar.

Upon notice, the respondent made appearance through counsel and filed the reply.

At the very outset, it is submitted by the counsel for the applicants that the marriage of daughter of Sunita, namely, Sailam, was performed with Sonu, respondent and one daughter namely, Crystal, was born from the said wedlock, who is about 4 years old at present. She is currently in the care and custody of applicant No.1 and applicant No.2,



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namely, Anish, who is her maternal uncle, through whom, the present application has been filed. However, the respondent, who is the natural father of the child, has filed guardianship petition at Bhiwani, which has no jurisdiction, as the child is residing at Hisar. It is also submitted that Sailam had died on 19.10.2023. During her lifetime also, there was matrimonial dispute between Sailam and Sonu, though there was no litigation initiated qua this dispute. In the given circumstances, it is submitted that the applicant No.1 is the senior citizen and, as such, it is difficult for her to commute a distance of about 100 kms, to defend the guardianship petition.

On the other hand, counsel for the respondent while making reference to the reply submitted that the distance has been falsely stated to be 100 kms, whereas it is only 60 kms. Further, it is submitted that there was no matrimonial dispute, as such, between Sonu and his deceased wife, Sailam. He submits that small dispute had arisen between them, which was settled with the intervention of Panchayat, for an amount of Rs.1,50,000/-, which was paid by the respondent-Sonu to the wife-Sailam.

Even though, it has been so submitted by counsel for the respondent about the settlement of dispute with the intervention of the Panchayat, but it finds no mention in the reply.

In view of the submissions aforesaid, it is pertinent to mention that time and again, it has been reiterated by the courts, about the preference to be given to the convenience of women. In the case in hand, the applicant is the maternal grandmother of the minor child, who is living with her, after the death of the mother, Sailam. The applicant No.1 is stated to be 61 years old and the distance between the two places is about 100 kms.

Considering the aforesaid facts, more particularly, the age of the minor child, who is looked after by applicant No.1, it is just and expedient



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to accept the transfer application to a place, where the child in question, is residing.

Considering the aforesaid, the transfer application is hereby allowed and the petition under Section 25 of the Guardians and Wards Act i.e. GW/5/2024, titled “*Sonu v/s Sunita and another*”, filed by the respondent, stands transferred from the Family Court, Bhiwani, to the Court of competent jurisdiction at Hisar. The requisite record of the aforesaid case be sent by the Family Court, Bhiwani, to the District and Sessions Judge, Hisar.

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

07.05.2025
Sonu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No