

Major Kapil Kumar Sharma Vs Meenu Sharma

Present: Sh. Vikas Elisha Advocate, counsel for petitioner.
Ms. Preetinderjeet Kaur Advocate, counsel for respondent.

Heard. During the course of arguments, it has come to the light that the minor lives and studies at Sainik School, Nagrota, Jammu. The petitioner himself is serving in Indian Army and is posted in Jammu and Kashmir. Admittedly, Meenu Sharma is working as English and S.S.T. teacher in Sainik School, Nagrota, Jammu.

In the considered opinion of this Court, the place where the child resides with his mother is to be considered as territorial jurisdiction to contest the custody case. As per Section 9 of Guardian and Wards Act 1890, only the court of the place, in whose jurisdiction the minor is residing is empowered to decide the custody case. In view of the bar created by Section 9, the petition for want of territorial jurisdiction cannot be entertained by this Court. It is thus returned to the petitioner for presentation before the proper Court. File be consigned to record room.

Pronounced.
Dated : 13.08.2021.

(Poonam Bansal)
Principal Judge, Family Court,
Sangrur. (UID No. PB-0190).

(Heena)
Stenographer Gr.-III