



2025:HHC:39993

Dandu Ram and another vs. Phoolan Devi
CMPMO No.129 of 2023

03.07.2025 Present: Mr. Shrawan Dogra, Sr. Advocate, with Mr. Bharat Thakur and Mr. Tejasvi Dogra, Advocates, for the petitioners.

Ms. Madhurika Sekhon, Advocate, for the respondent.

From a perusal of the contemporaneous records placed alongwith the present petition, it is evident that the minor children in the case at hand were in custody of the grandparents at Bilaspur.

The impugned order passed under Section 12 of the Guardians and Wards Act, 1890 has been passed by the Additional District Judge, Sarkaghat exercising the power of Principal Judge, Family Court, Mandi District Mandi.

In the aforesaid backdrop, learned senior counsel appearing on behalf of the petitioners has drawn the attention of this Court to Section 9 sub Section 1 of the Guardians and Wards Act, 1890, which reads as follow:-

9. Court having jurisdiction to entertain application.(1) if the application is with respect to the guardianship of the person of the minor, it shall be made to the District Court having jurisdiction in the place where the minor ordinarily resides.

In the face of the aforesaid provisions, it is contended that the Family Court at Mandi has no jurisdiction to entertain the petition filed under Section 12 of the Guardians and Wards Act, 1890, when the children were residing in the jurisdiction of the Family Court at Bilaspur with their grandparents.



2025:HHC:39993

Faced with the aforesaid and the detailed contentions which have been raised in the previous order dated 17.6.2025, learned counsel appearing on behalf of the respondent seeks time to prepare the case at hand.

It goes without saying that besides the contentions being raised in the present order and the previous order there exist other contentions, which are also sought to be agitated by the learned senior counsel appearing on behalf of the petitioners at an appropriate stage.

List on **18th July, 2025.**

(Bipin C. Negi)
Judge

July 03, 2025
tarun