



TA-648-2026 (O & M)

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

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Transfer Application No.648 of 2026 (O & M)

Date of decision :-12.05.2026**Poonam****.....Applicant****Versus****Charanveer Singh****.....Respondent****CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Ms. Sweta Chahal, Advocate
for the applicant.

NIDHI GUPTA J. (Oral)

The present transfer application has been filed by the applicant-mother seeking transfer of the petition filed by the respondent-father under Sections 7 and 25 of the Guardianship and Wards Act for custody of the minor daughter, namely, Manreet Kaur, bearing GW/18/2026 filed on 20.4.2026 (Annexure P-4) which is pending adjudication for 21.8.2026 in the competent Court at Moga to Sonipat.

Learned counsel appearing on behalf of the applicant submits that the applicant has no independent source of income and is facing considerable hardship in travelling from Sonipat to Moga to contest the proceedings. It is further submitted that the distance between Sonipat and Moga is approximately 300 kilometers one way and, therefore, it would be difficult for the applicant to pursue the



proceedings at Moga. On the aforesaid basis, prayer has been made for transfer of the custody petition from Moga to Sonipat.

On a specific Court query, learned counsel for the applicant fairly admits that the minor daughter is presently residing at Moga in the care and custody of the respondent-father.

I have heard learned counsel for the applicant and have gone through the paper-book.

It is apposite to notice that under Section 9 of the Guardians and Wards Act, 1890, a petition with regard to guardianship or custody of a minor is required to be instituted before the Court having jurisdiction in the place where the minor ordinarily resides. The jurisdictional mandate under the statute is primarily guided by the welfare and ordinary residence of the minor child.

In the present case, it is not disputed that the minor daughter is presently residing at Moga with the respondent-father. Thus, the Court at Moga would be the competent Court having territorial jurisdiction to entertain and adjudicate the petition filed under Sections 7 and 25 of the Guardians and Wards Act. Mere inconvenience pleaded by the applicant, particularly in custody matters concerning a minor child, cannot by itself be made a ground to divest the Court having lawful jurisdiction under the statute.

This Court is, therefore, of the considered opinion that no ground, much less a sufficient ground, is made out for transfer of the petition from Moga to Sonipat.



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Accordingly, the present transfer application stands dismissed.

Pending application(s), if any, shall also stand disposed of.

May 12, 2026

Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No