

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

Date of decision:13.01.2015

Rajwinder Singh Sekhon

.....Petitioner

v.

Shivani Sekhon

.....Respondents

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Sandeep S.Majithia,Advocate for the petitioner

Jaswant Singh,J.(Oral)

Petitioner/husband is aggrieved by the order dated 10.9.2014 (P-5) passed by learned Additional District Judge, Chandigarh whereby his application under Order 7 Rule 11 read with Section 20 CPC for rejection of the divorce petition has been dismissed.

Learned counsel for the petitioner submits that the respondent wife is not resident of Chandigarh so as to maintain the present divorce petition at Chandigarh. He submits that she is employed and resident of Moga and therefore, the Courts at Chandigarh have no jurisdiction.

Having heard learned counsel for the petitioner and perused the impugned order, this Court finds no ground to interfere with the impugned order.

The learned trial Court has noticed that the husband in his

RAJINDER PRASAD JOSHI
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High Court, Chandigarh.

application itself has stated that the wife had left two minor children at Muktsar and came to Chandigarh for fun. The learned trial Court has further noticed that in the petition for restitution of conjugal rights filed by the husband at Muktsar Sahib, notice to the wife was issued by showing her to be a resident of Chandigarh. Thus, even if the report has come that she was not residing at the stated house at Chandigarh does not mean that she is not a resident of Chandigarh so as not to maintain the present petition. Even otherwise the husband would be at liberty to raise the issue of territorial jurisdiction as a preliminary issue in the pending divorce petition.

In view of the above, finding no merit in the present revision petition the same is hereby dismissed with costs of Rs.2000/- to be deposited with District Legal Service Authority, Chandigarh.

13.01.2015
joshi

(Jaswant Singh)
Judge