IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

C.R. No.2659 of 2015
Date of Decision.22.04.2015

Pallavi Sachdev .....Petitioner

Versus

Akshay Sachdev .....Respondent

Present: Mr. Ashish Aggarwal, Advocate
for the petitioners.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. The petition for dissolution of marriage under Section 12 was instituted in the Court at Amritsar by the petitioner on a plea that although she is working in Pune, she must be taken as permanent resident of Amritsar since the family resides there and she was born there in Amritsar. The Court rejected the contention and found that such plea is not possible.

2. Learned counsel appearing for the petitioner points out that an amendment in 2003 by Act 50 of 2003 was made incorporating (iii-a) in Section 19 of the Hindu Marriage Act where the clause included for founding jurisdiction was "in case wife is the petitioner where she is residing on the date of presentation of the petition." The counsel would read residence as meaning a permanent residence and would state that the Oxford Dictionary and other important English dictionaries gives meaning of 'residing' as 'permanently residing'. There are enactments

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which make distinctions and spell out clearly that a person is either permanently or temporarily residing such as the Protection of Women against Domestic Violence Act and where the Act itself does not say so, the word residing cannot be taken only as permanently residing. It is not as if the place where she is working is to be taken as a place in transit. A place where a person is earning her livelihood must be taken as place where she is residing and I have no reason to take a different view from how the matter has been brought out by the Court below.

3. I decline to make any intervention. The civil revision petition is dismissed.

(K. KANNAN)
JUDGE

April 22, 2015
Pankaj*

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