

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

C.R. No.2085 of 2016

Date of Decision.21.03.2016

Gautam Grover

.....Petitioner

Vs.

Sandhya Mohanan

.....Respondent

Present: Ms. Payel Mehta, Advocate and
Mr. Gaurav Saini, Advocate
for the petitioner.

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 respondent-wife who claims to be a permanent resident at Gurgaon has moved an application for matrimonial proceeding for divorce against her husband who is residing at Mumbai. There is averment in the petition that the husband is suffering from Cancer but she married him all the same out of her own volition and she had been travelling to and fro Gurgaon-Mumbai. It is stated by her that she has taken a job in Mumbai. This, according to the husband, brings a contradictory statement that the wife is living in Gurgaon when she is in Mumbai and that she cannot maintain an application at Gurgaon. In the application filed by the husband for rejection of the plaint to the Court at Mumbai, the objection taken by the wife is that she is a permanent resident of Gurgaon and that she also has a property interest at Gurgaon. She has refuted the contention that she is living only at

Mumbai and has made reference to the decision of the Supreme Court as well that the permanent residence and intention to reside at Gurgaon alone will decide the issue of jurisdiction under Section 19(i)(c) of the Hindu Marriage Act. I do not think that there is any error in the contention taken by the wife and the manner in which it has been dealt with by the Court below. There is no cause for interference in the revision petition.

2. If the husband is in any way inconvenienced by the prosecution of the case by the wife at Gurgaon and considering his own health that it would be easy and convenient for him to conduct the case only at Mumbai, he will be at liberty to approach the Supreme Court through an application for transfer.

3. The order already passed is maintained and the civil revision is dismissed.

(K. KANNAN)
JUDGE

March 21, 2016
Pankaj*