

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 7685 of 2014
Date of decision : February 12, 2016

Bharath Singh

..... Petitioner

Versus

Nisha

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. G. S. Sidhu, Advocate
for the petitioner.

Mr. Harpinder Singh Jalal, Advocate
for respondent .

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?

Amit Rawal, J (oral).

The petitioner-husband is aggrieved of the decision dated 10.10.2014 whereby issue No.1 with regard to the territorial jurisdiction has been decided against him.

Learned counsel appearing on behalf of the petitioner submits that issue No.1 viz-a-viz territorial jurisdiction of the Court at Bathinda as per the admission of the respondent-wife in a petition filed under Section 25 of the Guardian and Wards Act, 1890 seeking custody of the minor children who are staying in Raipur, therefore, petition as per provisions of Section 19 and 20 CPC at Bathinda was not maintainable. The Court below has not read the cross examination of the wife, who, unequivocally omitted this fact.

He has drawn attention of the court to the cross examination of respondent-wife which reads thus:-

“Stated that after my marriage with respondent Bharat Singh I was residing at village Rai Pur. Bharat Singh have his own house at village Rai Pur. Children namely Money is studying in 7th class and Honey is studying in 4th in Adarsh Public School. Rai Pur Distt. Mansa. Admission fee of both these children have been paid by Bharat Singh. At present these children are residing at village Rai Pur with Bharat Singh. I have gone to see my children at the house of Bharat Singh but Bharat Singh did not allow me to enter in his house. Similarly I have gone to the school to see my children at school but the management of that school did not allow me to see my children because Bharat Singh has directed the management not to met his children with any one. I cannot tell the date, month when I have gone to the house of Bharat Singh and School to see my children.”

Learned counsel appearing on behalf of the respondent submits that petitioner-husband has filed divorce petition at Bathinda which is pending adjudication and also filed a petition under the Domestic Violence Act, 2005. He was served at the address given in the petition which is Talwandi Sabo, which falls within the District Bathinda. The children are not party to the case, therefore provisions under Section 20 CPC would not apply.

I have heard learned counsel for the parties and appraised the paper book and am of the view that the revision

petition sans merit and is liable to be dismissed for the reason that custody of the children who are minor has been sought from the father who is residing at village Raipur Tehsil and District Mansa, irrespective of the fact that children are living with their grand parents at Mansa, there is no violation of provisions of Section 19 and 20 CPC.

Even from the perusal of the cross examination of the respondent-wife it does not reveal that at the time of filing the petition, the children were residing at Talwandi Sabo. The expression used "at present" will not mean that the Court at Bathinda does not have jurisdiction.

I do not find any illegality and perversity in the impugned order and the same cannot be said to have been passed without jurisdiction.

The revision petition is devoid of merits.
Accordingly the same is dismissed.

(AMIT RAWAL)
JUDGE

February 12 , 2016
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