

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

C.M. No.6830-CII of 2017

and

C.R. No.8207 of 2015

Date of Decision: 08.05.2017

Ira Bogra

....Petitioner

Versus

Sachidanand Bogra

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Himanshu Chhabra, Advocate
for Mr. Puneet Sharma, Advocate
for the petitioner.

Mr. Akshay Kumar Jindal, Advocate
for the respondent.

DAYA CHAUDHARY, J. (ORAL)

The present revision petition has been filed for setting aside order dated 07.09.2015 passed by learned Additional District Judge, Panchkula, whereby, the application filed under Order 7 Rule 11 CPC for rejection of plaint filed by the petitioner has been dismissed.

Order dated 07.09.2015 passed by the Additional District Judge, Panchkula, is reproduced as under :-

“Hear on application under order 7 Rule 11 of CPC. Same is strongly opposed by learned counsel for the petitioner. It is correct that marriage between the parties was not solemnized within the jurisdiction of District Panchkula. It is again correct at the time of presentation of present petition, respondent was

residing at Chandigarh. The proviso of section 19 (iii-a), (iv) are also not applicable and in the case in hand. According to para no.4 of the petition, petitioner stated last residing of the parties together at Kalka. The triable issue is involved and the same can not be decided without affording an opportunity to the parties to adduce their respective evidence. The application filed by the respondent is dismissed, at this stage. Let the respondent filed her detailed written statement, raising plea of jurisdiction of the court if any. Now to come up on 16.10.2015 for filing written statement by the respondent.”

Learned counsel for the respondent submits that the respondent has no objection, in case, the divorce petition is tried at Chandigarh. An application has been filed for disposing of the revision petition by returning the divorce petition filed by the respondent before the learned District Judge, Panchkula to be presented before the competent Court of jurisdiction at Chandigarh.

In view of submissions made by learned counsel for the parties and having no objection from both sides, the District and Sessions Judge, Panchkula, is directed to transfer the divorce petition pending there to the Court at Chandigarh. The parties are directed to be present there on 29.05.2017.

The petition is disposed of accordingly.

(DAYA CHAUDHARY)
JUDGE

08.05.2017
gurpreet

Whether speaking/reasoned

Yes

Whether Reportable

Yes