

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CR No. 4833 of 2017
Date of decision: 19.04.2018

Surinder Singh Mann

...Petitioner

V/s.

Nachhattar Kaur

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.

Present: Mr. Parvinder Singh, Advocate for the petitioner.

KULDIP SINGH, J. (Oral)

Respondent had not appeared before the trial Court.

Therefore, her service is dispensed with.

The impugned in the present revision is to the order dated 18.05.2017 (Annexure P-3) passed by learned District Judge, Shaheed Bhagat Singh Nagar whereby he refused to transfer the case titled 'Surinder Sing Mann V/s. Nachhattar Kaur' from the Court of District Judge, Family Court, Shaheed Bhagat Singh Nagar to a Court of competent jurisdiction. Present revisionist prayed that the suit is not covered under the Family Court Act which did not find favour with the learned District Judge, Shaheed Bhagat Singh Nagar.

Heard.

Copy of the plaint shows that plaintiff-Surinder Singh Mann has filed a suit against his biological mother for the declaration that he is the son of Harbhajan Singh Mann, who otherwise happens to be his real uncle, on the basis of registered adoption deed dated 07.04.1976. He had also challenged the judgment and decree dated 06.02.1990 passed by the then Sub Judge 1st class, Nawanshahr. He had also sought permanent injunction against the defendant. The nature of the suit covered under the Family

Court Act is mentioned in the explanation to Section 7 of the Family Court Act, 1984 which provides as under: -

(a) a suit or proceeding between the parties to a marriage for a decree of nullity of marriage (declaring the marriage to be null and void or, as the case may be, annulling the marriage) or restitution of conjugal rights or judicial separation or dissolution of marriage;

(b) a suit or proceeding for a declaration as to the validity of a marriage or as to the matrimonial status of any person;

(c) a suit or proceeding between the parties to a marriage with respect to the property of the parties or of either of them;

(d) a suit or proceeding for an order or injunction in circumstances arising out of a marital relationship;

(e) a suit or proceeding for a declaration as to the legitimacy of any person;

(f) a suit or proceeding for maintenance;

(g) a suit or proceeding in relation to the guardianship of the person or the custody of, or access to, any minor.”

The provisions of the said Section shows that the suit for declaration by a person against his biological mother that he is an adopted son of the person on the basis of a registered adoption deed dated 07.04.1976 and challenging the decree of Civil Court is not covered under any of the clauses of the said Act. Therefore, it is to be tried by the Civil Court and not by the Family Court. As such, the impugned order is set aside. The case titled 'Surinder Singh Mann V/s. Nachhatar Kaur' is withdrawn from the Court of learned District Judge, Family Court, Shaheed Bhagat Singh Nagar and transferred to learned Civil Judge, Sr. Division, Shaheed Bhagat Singh Nagar.

Revision is consequently allowed.

(KULDIP SINGH)
JUDGE

19.04.2018

Divyanshi

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No