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

**Civil Revision No.4891 of 2018
Date of Decision: 12.03.2019**

Sandeep Kaur

.....Petitioner

Vs

Jaswinder Singh

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Deepak Arora, Advocate
for the petitioner.

Respondent in-person.

RAJ MOHAN SINGH, J.

[1]. This revision petition has been preferred against the order dated 18.05.2018 passed by the Addl. Civil Judge (Sr. Divn.) Ferozepur, vide which the application filed by the petitioner for issuance of directions to return the petition to the respondent for presentation it before the competent Court was rejected.

[2]. Petitioner was married with the respondent on 28.03.2013. The marriage was solemnized at Morinda. The couple resided at Mohali. A female child was born to the parties on 24.12.2013 in Govt. Medical College & Hospital, Sector 32 (for short 'the GMCH') Chandigarh. The minor child is with the

petitioner wife and is studying in Nursery class in Saint Kabir Public School, Sector 26, Chandigarh.

[3]. Petitioner wife is working in IT Company as Sr. Developer in Sector 42, Chandigarh. Respondent is also operating in the work of online marketing/advertisement/lead generator for prospective buyers.

[4]. Learned counsel for the petitioner submitted that after the marriage respondent left the company of the petitioner on 19.09.2013, when she was pregnant. Thereafter, respondent filed a petition under Section 9 of the Hindu Marriage Act at Ferozepur. Respondent has sought decree for restitution of conjugal right by mentioning his residential address of village Siringwala Brar, Tehsil Guru Har Sahai, District Ferozepur and stated that the petitioner resided with him in the said address and thereafter, she deserted him in the month of September, 2013.

[5]. Learned counsel further submitted that the petitioner filed an application for seeking direction to return the petition to the respondent for proper presentation before the competent Court i.e. at Mohali. Ferozpur is far away place from Mohali, where the petitioner is working and is living with the minor child. The grounds on which the application was rejected is wholly untenable in view of Section 19 of the Hindu Marriage Act which

prescribes that the petition under the Act shall be presented to the district Court within the local limits of whose ordinary original civil jurisdiction, the marriage was solemnized or the respondent, at the time of the presentation of the petition, resides, or the parties to the marriage last resided together. The respondent very cleverly pleaded in para no.20 of the petition that he was residing at village Guru Har Sahai together with petitioner as husband and wife and that is why the Court at Ferozpur got the jurisdiction. Petitioner never resided at Guru Har Sahai.

[6]. I have considered the submissions made by learned counsel for the petitioner and respondent in-person.

[7]. Perusal of the record would show that notice of motion was issued on 02.08.2018 on the premise that the convenience of womenfolk has to be appreciated in transferring the matrimonial dispute to a place where the wife resides.

[8]. Respondent was allegedly served through sister-in-law on two occasions, but for all abundant caution, he was sought to be served by way of substituted service. Respondent appeared in-person on 07.02.2019 and both the parties were directed to be present in Court in order to explore any chance of reconciliation between the parties.

[9]. Today, both the parties have come present in Court. Interaction with the parties did not yield any positive result.

[10]. Petitioner has already appeared before the Court at Ferozepur through her counsel. Apparently, the marriage was solemnized at Morinda. Parties last resided at Mohali and a female child took birth out of their wedlock on 24.12.2013 in GMCH, Sector 32, Chandigarh. The minor is also studying in Nursery in Saint Kabir Public School, Chandigarh.

[11]. In the matters arising out of matrimonial proceedings, convenience of the womenfolk is to be appreciated on the strength of **Sumita Singh vs. Kumar Sanjay and another, AIR 2002 SC 396** and **Neelam Kanwar vs. Devinder Singh Kanwar, (2000) 10 SCC 589**, unless and until the same causes irreparable loss to the husband. Even as per requirement of Section 19 of the Hindu Marriage Act, the Court where the marriage was solemnized has the jurisdiction. Even otherwise, the petitioner is residing within the jurisdiction of Courts at Mohali.

[12]. For the reasons mentioned hereinabove, I deem it appropriate to transfer the petition under Section 9 of the Hindu Marriage Act from the Court at Ferozepur to the competent Court at Mohali. The competent Court at Mohali after receipt of the record of the case would issue notice to the parties and

thereafter shall proceed to decide the case on merits in
accordance with law.

[13]. With the aforesaid observation, this revision petition is
disposed of.

March 12, 2019

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Whether speaking/reasoned
Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No
Yes/No