

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CR No. 172 of 2020

Date of Decision: 13.01.2020

Sumitra

.....Petitioner

Vs.

Dr. Arvind Kumar

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Chirag Wadhwa, Advocate, for the petitioner.

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AMOL RATTAN SINGH, J. (ORAL)

By this petition, the petitioner challenges the order of the Additional Principal Judge (Family Court), Karnal, dated 17.12.2019, by which the petitioners' application for clubbing the two cases pending before that Court, one filed by the petitioner under the provisions of Section 9 of the Hindu Marriage Act, 1955, and the other filed by the respondent herein under Section 13 of the said Act, has been dismissed.

It is seen that the reasoning given by the Family Court, in the impugned order, is that both the proceedings are actually separate proceedings which cannot be consolidated and therefore the application seeking consolidation was only to delay the matter.

Consequently, while dismissing the application, costs of Rs. 1,000/- were also ordered to be deposited by the petitioner, in the Legal Aid Cell, Karnal.

Though otherwise I would find no reason to interfere with the matter in view of the fact that, obviously, any evidence that the petitioner wishes to lead in her petition under Section 9 of the Act of 1955, would also be evidence that she

would have already led in the petition filed by the respondent under Section 13, and consequently clubbing of the cases together would practically have no meaning, because if the trial Court decided that the respondent had a good case for divorce on the same evidence, it would grant such divorce and if it found that he does not have a good case for divorce, in any case, such decree for divorce would be declined, after which the question of restitution of conjugal rights could be determined; however, since it has been shown that earlier both the cases were being heard together (though not consolidated) and were not taken up on the same date thereafter only because the Presiding Officer [Principal Judge, (Family Court), Karnal)] was on leave on three continuous occasions, it is directed that if the Principal Judge before whom the evidence has entirely been led (as contended before this Court, prior to her proceeding on leave), is still designated as the Principal Judge and is not on leave, the petition under Section 13 filed by the respondent, as also the petition filed by the petitioner under Section 9 of the Hindu Marriage Act, would be put up before her on the next date of hearing in the first petition, i.e. on 16.01.2020, for that Court to thereafter pass appropriate orders in each case.

If the said Principal Judge (Ms. Paramvir Nijjar) is still continuing on leave, then the petition under Section 9 would be put up before the same Court as is now seized of the petition under Section 13, as was being done on previous occasions, with the said Court to thereafter pass appropriate orders in each case.

Disposed of as above.

**January 13, 2020**  
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Whether speaking/reasoned  
Whether Reportable

**(AMOL RATTAN SINGH)**  
**JUDGE**

Yes  
No.