

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

CR-1382-2020 (O&M)
Date of decision : 09.05.2022

Harjit Singh

... Petitioner(s)

Versus

Amandeep Kaur

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Lal Singh Sandhu, Advocate for the petitioner.

ALKA SARIN, J. (ORAL)

The present revision petition has been preferred under Article 227 of the Constitution of India for setting aside the impugned order dated 16.01.2020 (Annexure P-4) passed by the Family Court, Patiala whereby the application of the petitioner for rejection of the petition filed under Section 25 of the Guardians and Wards Act, 1890 (hereinafter referred to as the 'Act') has been dismissed.

Brief facts relevant to the present *lis* are that the respondent herein filed a petition under Section 25 of the Act. In the said petition, an application was filed for rejection of the petition by the petitioner herein on the ground that the respondent herein had wrongly mentioned in the petition that the minor child was residing at village Paind, Tehsil Patran, District Patiala and that she was trying to mislead the Court. It was further mentioned in the application that the wrong address of the minor child had

been mentioned in order to bring the case within the jurisdiction of the Court. It was further the case that the minor child was never residing in District Patiala and that the Court had no jurisdiction to try the petition. On notice, the respondent herein filed a reply and stated that in the application no date had been mentioned when the minor child is stated to have been admitted in the school at District Yamuna Nagar. It was further stated that in the month of October 2019 the minor child was a student of Nanaksar Academy, Salewala and at present also she was studying there and even at the time of filing of the petition the minor child was a student of Nanaksar Academy, Salewala. It was further stated in the reply that false documents had been prepared in order to file the application.

The Family Court vide impugned order dated 16.01.2020 (Annexure P-4), on the basis of the pleadings, in its wisdom decided that the matter could not be outrightly rejected as evidence would be required to conclude regarding the ordinary place of residence of the minor child and as to whether the Court at Patiala had the jurisdiction to try the matter. The Family Court also held that the question of jurisdiction involved in the case was not purely one of law but was a mixed question of fact and law and required evidence from the parties.

Learned counsel for the petitioner has not been able to point out any illegality or infirmity in the impugned order passed by the Family Court or how the said order would adversely affect the petitioner. The Family Court has simply passed an order stating therein that the petition could not be rejected outrightly on the basis of the pleadings and that the evidence would be required.

In view of the above, I do not find any illegality and infirmity in the impugned order and hence, the present revision petition is dismissed. Pending applications, if any, also stand disposed off.

Dismissed.

09.05.2022

Yogesh Sharma

**(ALKA SARIN)
JUDGE**

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO