

2023:PHHC:155974

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

SAO-59-2023 (O&M)
Date of decision: 06.12.2023

Mandeep Kumar

....Appellant

Versus

Rajwant Kaur

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Ashok Kumar Khunger, Advocate for the appellant

ANIL KSHETARPAL, J (Oral)

1. The First Appellate Court has found that in view of Section 7 and 8 of the Family Courts Act, 1984, the civil court had no jurisdiction to declare that the alleged marriage instituted between the plaintiff and the defendant was illegal. It has been found that in the District Fazilka, the Family Court started functioning on 01.04.2021. Thus, from 01.04.2021, the civil court had no jurisdiction. The First Appellate Court has, therefore, set aside the judgment and decree passed by the civil court and directed the civil court to transfer the case to the Family Court.

2. Learned counsel representing the appellant does not dispute the correctness of the aforesaid legal position. However, he submits that in this case, the civil suit was filed by the appellant on 12.02.2020 and the respondent never objected to the transfer of the case.

3. This Court has considered the submissions made by the learned counsel representing the appellant. Even if the suit was filed on 12.12.2020 still w.e.f 01.04.2021, the civil court had no jurisdiction to try and decide the case. In these circumstances, the civil court should have transferred the case to the Family Court.

4. Keeping in view the aforesaid facts, no ground to interfere with the impugned order passed by the First Appellate Court is made out.

5. Hence, dismissed.

6. All the pending miscellaneous applications, if any, are also disposed of.

06.12.2023

rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No