



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

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CR-4726-2025

Date of decision: 11.08.2025

JAGJIT SINGH SAMRA

...Petitioner

Versus

BARJINDER KAUR

...Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. A.S. Manaise, Advocate
for the petitioner.

HARPREET KAUR JEEWAN , J.

1. Prayer in the present petition is for setting aside the impugned order dated 19.05.2025 (Annexure P-7), whereby the Family Court, SAS Nagar, Mohali has dismissed the application filed by the petitioner-husband under Section 19 (iii a) of the Hindu Marriage Act, 1955.

2. As per the facts of the case, the respondent-wife filed a petition seeking divorce before the Family Court, SAS Nagar, Mohali, which was contested by the petitioner-husband. The petitioner filed a written statement and also filed an application seeking dismissal of the petition on the ground that the Family Court at Mohali has no jurisdiction. It was contended that the respondent-wife is actually residing in Gurdaspur and had lodged a false FIR against the petitioner at police station Sohana. It was contended in the said application that



although the respondent-wife claimed to be residing at Flat No.A-101, Second Floor, Block-A, City Apartment Sector-78, Sohana, SAS Nagar, Mohali, she was in fact residing in Village Kalanaur, Tehsil and District Gurdaspur. As such, the Court at SAS Nagar, Mohali did not have the jurisdiction to decide the said application as the marriage had been solemnized in Gurdaspur.

3. The Family Court, SAS Nagar, Mohali has dismissed the said application by making the following observations:

“At this stage, it cannot be said that this court has no jurisdiction to try the present court as evidence is yet to be lead by both the parties and in the absence of any cogent evidence, it cannot be said the present petition has no jurisdiction to try with this Court. Hence, the present application stands disposed off being dismissed.”

4. However, issue No.5 regarding jurisdiction was framed.

5. Learned counsel for the petitioner submits that the respondent-wife subsequently created evidence to show that she is residing within the jurisdiction of SAS Nagar, Mohali, which cannot be looked into as at the point of filing of the petition, she was not residing at Mohali. On this ground, the application should have been allowed by the Family Court.

6. I have heard the aforesaid submissions and perused the paper-book.

7. The respondent-wife filed a petition under Section 13(1) (i-a) of the Hindu Marriage Act, 1955 (Annexure P-1), wherein she mentioned her present address at SAS Nagar, Mohali. The petition was filed before the Family Court, SAS Nagar, Mohali. However, the petitioner-husband has alleged that the respondent-wife is not actually residing at the given address. In such circumstances, the observations made by the Family Court, that at this stage, without evidence of the parties, it cannot be decided that this Court is not having

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jurisdiction, are legally and factually correct.

8. Both the parties are yet to lead the evidence to contradict each other's allegations and the question of jurisdiction, in such circumstances is a mixed question of facts and law, as such, application filed by the petitioner has been rightly dismissed.

9. In view of the above, no illegality or irregularity is found in the said order.

10. Consequently, the petition stands dismissed.

**(HARPREET KAUR JEEWAN)
JUDGE**

11.08.2025

P.Bhatt

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