



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

D.B. Civil Misc. Appeal No. 2955/2019

Sarban Singh S/o Jarnail Singh, Aged About 46 Years, R/o 39
R.b. Tehsil Paampur, District Sri Ganganagar.

----Appellant

Versus

Smt. Sandeep Kaur W/o Sarban Singh, Aged About 42 Years,
Sherjung Singh, R/o Rampuraful, At Present Posted As Nurse At
Govt. Hospital, Baliyawali, Tehsil Rampura Phul, Bhatinda
(Punjab).

----Respondent

For Appellant(s)	:	Mr. Ram Chandra Bishnoi
For Respondent(s)	:	Mr. Devender Singh Thind

**HON'BLE MR. JUSTICE ARUN MONGA
HON'BLE MR. JUSTICE SUNIL BENIWAL**

Order (Oral)

27/03/2026

Per: Arun Monga, J.

1. Appellant-husband is before this Court challenging final judgment and decree dated 19.09.2019 vide which his petition under Section 13 of the Hindu Marriage Act, 1955 (hereinafter, "Act of 1955") seeking dissolution of marriage was dismissed for lack of territorial jurisdiction.
2. Briefly speaking the facts of the case leading to filing of the aforesaid appeal are that the appellant-husband filed a petition under Section 13 of the Act of 1955 before the learned Judge, Family Court, Sri Ganganagar, which was subsequently transferred to the Court of learned Additional District Judge, Sri Karanpur,



District Sri Ganganagar. The appellant-husband sought dissolution of marriage on the grounds of cruelty and adultery.

2.1 It was pleaded that the marriage between the appellant and the respondent was solemnized on 11.04.2004 at Chandigarh in accordance with the customs of their community. After marriage, the respondent allegedly behaved improperly with the appellant and his family members and frequently quarreled with them. The appellant, being in service, later resided with the respondent at Rampura Phul, Punjab, where he was posted.

2.2 During this period, the appellant alleged that the respondent developed illicit relations and lost interest in the matrimonial relationship. On these grounds, the appellant alleged cruelty and sought a decree of divorce.

2.3 The respondent contested the petition by filing a reply, denying all allegations made by the appellant and asserting that the appellant had, in fact, subjected her to cruelty and harassment on account of dowry demands. She also denied any illicit relationship and raised an objection regarding territorial jurisdiction.

2.4 The learned Family court, after framing issues and recording evidence led by both parties, dismissed the petition vide judgment and decree dated 19.09.2019 for lack of territorial jurisdiction.

2.5 Hence, this instant appeal.

3. Learned counsel for the appellant argues that the impugned judgment dated 19.09.2019 passed by the learned Family Court is



erroneous both in law and on facts, as the same has been rendered without proper appreciation of the pleadings, evidence, and material available on record. It is contended that the findings recorded by the learned trial court are perverse and contrary to the evidence on record, and therefore, the impugned judgment deserves to be quashed and set aside.

4. Having perused the impugned order, it is borne out from the evidence of the petitioner himself and other witnesses, that the marriage between the petitioner and the respondent was solemnized at Chandigarh. Thereafter, the petitioner and the respondent resided at Mohali and Rampura Phul. According to the statements and evidence of both parties, they last resided together at Rampura Phul. At the time when the petition was filed, the respondent was also residing at Rampura Phul. As per Section 19 of the Act of 1955, the petition ought to have been filed at a place where, either the marriage was solemnized, or the parties last resided together, or the respondent was residing at the time of filing of the petition.

5. At the outset, on a Court query posed to the learned counsel for the appellant as to whether actually it is correct that the marriage between the parties took place in Chandigarh and they last also resided at Mohali (Punjab), his response is in affirmative.

6. That it remains undisputed that both the parties got married in Chandigarh. They also last resided in Mohali (Punjab). We find no grounds to interfere in the impugned judgment and order of



the learned Family Court dismissing the petition with liberty to the appellant to file the same in the Court at appropriate jurisdiction.

7. Accordingly, the appellant may do so in case, if he is still interested in dissolution of marriage under Section 13 of the Act of 1955.

8. With these observations, the appeal stand dismissed.

9. All pending applications stand disposed of.

(SUNIL BENIWAL),J

(ARUN MONGA),J