

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.11057 OF 2014

Mr.Rajendra Ramji Pandey ..Petitioner
V/s.
Mrs.Seema Rajendra Pandey & Anr. .. Respondents

None present for the Petitioner.
Mrs. Vaishali Nimbalkar, AGP for Respondent No.2-State.

**CORAM : M.S. SONAK, J.
DATE : 21st APRIL, 2016.**

P.C.

1. Neither the petitioner nor his advocate is present. However, looking to the controversy, it will not be appropriate to adjourn the matter to any further date, particularly because it is possible that on account of pendency of this petition, there is no further progress in petition No.A-3138 of 2013 pending before the Family Court at Bandra.

2. Challenge in this petition is to the order dated 19th July 2014 made by the Principal Judge Family Court, Bandra, Mumbai holding that it has territorial jurisdiction to entertain the petition for divorce.

3. The case of the petitioner husband is that he is a resident of Uttar Pradesh and that along with his now estranged wife were always residents of Uttar Pradesh. It is the petitioner's case that the matrimonial home is in Uttar Pradesh and therefore, the Family Court at Bandra, lacks territorial jurisdiction to entertain petition for divorce instituted by the respondent.

4. The impugned order is based upon satisfaction recorded by the Principal Judge of the Family Court that the respondent wife, at least for three years prior to the date of the institution of the petition for divorce, has been residing in Mumbai along with her mother. The Family Court, relying upon the provisions contended in Section 19(iii-a) of the Hindu Marriage Act, 1955 as held a Petition for divorce, if instituted by the wife, is maintainable before the Court, within whose jurisdiction she resides on the date of presentation of such petition.

5. There is neither any error appearant on the face of

record nor is there any jurisdictional error in the making of the impugned order. Accordingly, no case is made out to entertain the present petition.

6. Petition is therefore dismissed. There shall be no order as to costs.

7. Since, neither of the parties nor their advocates have appeared in the matter. The registry is directed to send an authenticated copy of this order to the Principal Judge, Family Court at Bandra taking up Petition No.A-3138 of 2013 within a period of two weeks from today.

8. All concerned to act on the basis of authenticated copy of this order.

(M.S. SONAK, J.)