

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION No. 2951 of 2016

ORDER:

The present Civil Revision Petition is filed against an order dated 05.03.2015 passed in C.F.R.No.955 of 2016, wherein the O.P. filed by the husband under Section 13 (1) (ia) and (ib) of Hindu Marriage Act, 1955, seeking dissolution of the marriage, was rejected on the ground of jurisdiction.

As seen from the averments in the petition and also the orders passed by the trial Court, it is clear that the marriage of the petitioner with the respondent was performed on 27.11.1997 at Kanipakam in Sri Varasiddi Vinayakaswamy temple as per hindu rites, customs and usage prevailing in their community. Thereafter, they set up their family at the residence of the petitioner and out of wedlock they were blessed with a daughter. Differences arose between the petitioner and respondent as the wife is alleged to have developed illicit intimacy with one Tilak Prabhu. In view of the proclamation made by the respondent that she has no interest to lead marital life with the petitioner and as the marriage got irretrievably broken down, the present O.P. came to be filed.

The said O.P. came to be rejected on the ground that the petitioner failed to produce any proof to show that the petitioner and respondent lastly resided in Tirupati.

Learned counsel for the petitioner mainly submits that there is enough material to show that the petitioner is working in Tirumala Tirupati Devasthanam, Tirumala, which within the

jurisdiction of the Court and also residing in the said place.

It is useful to extract Section 19 of the Hindu Marriage Act which confers jurisdiction on the various Courts for entertaining the proceedings under the Act, which reads as under:

19. Court to which petition shall be presented; Every petition under this Act shall be presented to the District Court within the local limits of whose ordinary original civil jurisdiction.

- (i) the marriage was solemnised, or
- (ii) the respondent at the time of the presentation of the petition, resides, or
- (iii) the parties to the marriage last resided together, or
- (iv) the petitioner is residing at the time of the presentation of the petition, in a case where the respondent is, at that time, residing outside the territories to which this Act extends, or has not been heard of as being alive for a period of seven years or more by those persons who would naturally have heard of him if he were alive.

From a reading of the above section, it is clear that the petitioner can file a petition at the place where both the couple lastly resided. It is not in dispute that the petitioner is working in Tirumala Tirupati Devasthanam and he is residing in Tirumala. Apart from that the impugned order clearly shows that the petitioner filed ration card which shows the photo and names of the parties along with their family members at Tirumala. Para No.10 of the petition clearly indicates that the respondent and petitioner continuously and lastly resided in Tirumala, where the petitioner is working. In support of the same he placed on record the material in the form of house hold card. For the aforesaid

reasons, the conclusion of the trial Court that it has no jurisdiction, is erroneous and is set aside.

Accordingly, Civil Revision Petition is allowed. There shall be no order as to costs.

Miscellaneous Petition, if any, pending in this Civil Revision Petition, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

15.07.2016
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