

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 21 of 2017**

Tevendra Kumar Hirwani S/o J.R. Hirwani Aged About 35 Years
Address- N.T.P.C. Lara, 40/424, Rajat Shri House, Kotra Road,
Raigarh, Chhattisgarh ----- **Petitioner**

Versus

Smt. Kanti Sahu W/o Tevendra Kumar Hirwani Aged About 30
Years R/o Lalpuri, Bhilai, Tahsil & District- Durg, Chhattisgarh
----- **Respondent**

For Petitioner : Mr. B.P. Singh, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****12/01/2017**

Heard on admission.

1. The petitioner has filed this petition for quashing proceedings instituted in the Court of Family Judge, Durg on respondent's application under Section 9 of the Hindu Marriage Act for Restitution and Conjugal Rights.
2. Learned counsel for the petitioner submits that the petition at Durg is not maintainable because none of the conditions incorporated in Section 19 of the Hindu Marriage Act are attracted in the present case, therefore, the Family Court at Durg does not have territorial jurisdiction.
3. The issue of territorial jurisdiction would essentially depend upon determination of various facts as referred to in Section 19 of the Hindu Marriage Act. This will require consideration in this issue as a preliminary issue by the Family Court at Durg. The petitioner, so far, has not filed any written statement. It would be open for the petitioner to pray the Family

Court to decide the issue on territorial jurisdiction as a preliminary issue by filing written statement and it would be appropriate for the Family Court at Durg to first decide the preliminary issue by allowing the parties to file written statement on territorial jurisdiction and then proceed further in the matter.

4. The petition is accordingly disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge