

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4279 OF 2017**

Anil Kumar Malhotra

... Petitioner

Versus

Sucheta Anil Malhotra

...Respondent

.....
Ms. Sukhman Rait for the Petitioner.

.....

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: APRIL 11, 2017**

P.C. :

1. Not on Board. Upon mentioning, taken on board.
2. In this writ petition, the petitioner-husband challenges the order dated 20th December 2016 passed by the learned District Judge-4, Thane in Civil Revision Application No. 1 of 2016 and also the order dated 5th February 2016 passed by the learned Jt. Civil Judge, Senior Division, Thane in Marriage Petition No. 516 of 2014. By the order dated 5th February 2016, the trial Judge has given concurrent finding that the Civil Court has territorial jurisdiction to entertain and try this Petition.
3. The learned counsel for the petitioner submits that the main contention is raised on the ground that the respondent wife is a resident of Delhi. The petitioner and the respondent-wife have resided in Delhi and she is having business in Delhi and therefore, the respondent-wife present address at Navi Mumbai is not her residential address. The respondent-wife has mentioned her place as Nerul, Navi Mumbai. The learned counsel for the petitioner has relied on the judgment of

Smt.Jeevanti Pandey v. Kishan Chandra Pandey reported in *AIR 1982 SC 3*.

4. Perused the orders. It appears that the respondent-wife has given her residential address as C/o. Shri Jitendra Shah, resident of Nerul, Navi Mumbai. The respondent-wife has given her present address at Navi Mumbai, Nerul in the Marriage Petition, which was filed in the Court of Civil Judge Senior Division, Thane Court. In the case of *Jeevanti Pandey* (supra), the Supreme Court while dealing with the issue of territorial jurisdiction explaining the word “resides” under section 19 of Hindu Marriage Act has held that “resides” means to make an abode for a considered time; to dwell permanently or for a length of time, to have a settled abode for a time. However, in the same para, the Supreme Court has further explained that “If a person has no established home and is compelled to live in hostels, boarding houses or houses of others, his actual and physical habitation is the place where he actually or personally resides”.

5. In view of the above, I do not find any illegality in the order dated 5th February 2016 passed by the learned Jt. Civil Judge, Senior Division, Thane. Hence, Writ Petition is dismissed.

(MRIDULA BHATKAR, J.)