

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CIVIL REVISION PETITION No.7087 of 2017

ORDER :

Heard both sides and perused the grounds of revision and the impugned order of the lower Court.

2. Undisputedly, the Indian Divorce Act itself provides for place of jurisdiction where they last resided. The para 13 of the divorce petition averments of Section 10 application under the Indian Divorce Act speaks they last resided at Secunderabad. The respondent while disputing the said factum sought for rejection of the divorce petition in I.A.No.243 of 2017 that was ended in dismissal after contest on 07.10.2017, which is the impugment in the revision saying lower Court gravely erred in not considering the fact that the parties last resided in South Africa at Botswana and not in India. It is not even the case that C.P.C. extended to South Africa. It is only to consider within India or outside where the C.P.C. applies and the provisions of the Act applies where they last resided is criteria to consider the jurisdiction territorial wise to the Court where the claim to maintain. Once such is the case, when the petition averments show jurisdiction *prima facie* as rightly concluded by the lower Court, there is nothing to reject the divorce petition, but for giving liberty to the petitioner from the dispute raised on the questions of fact to adjudicate to seek for a preliminary issue to decide jurisdiction aspect.

3. With these observations, the civil revision petition is disposed of for nothing more to interfere with the impugned order of the lower Court.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

2nd January 2018

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