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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ MAT.APP.(F.C.) 267/2018

PRADEEP YADAV

..... Appellant

Through

Mr. A.K. Padhey and Mr. S.R. Padhey,
Advocates

versus

LATIKA GROVER

..... Respondent

Through

Mr. Parmod Kumar Sharma and Ms.
Ankita Vashisht, Advocates

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **22.10.2018**

The present appeal is directed against the order dated 30.07.2018 passed by the Family Court, by which an application filed by the appellant herein for rejection of the petition on the ground that the Family Court lacks territorial jurisdiction has been dismissed.

Learned counsel for the appellant submits that there are various documents on record which show that the marriage between the parties was solemnized in Gujarat, including the marriage certificate, which has been duly verified by the IO during the proceedings arising out of a complaint filed by the respondent/wife. The counsel further submits that neither the marriage was solemnized in Delhi nor the parties resided in Delhi and at the time of filing of the petition, as the appellant was residing in Gurgaon.

Notice was issued in the matter. Counsel for the respondent has entered appearance. Counsel for the respondent submits that evidence has been placed on record by the respondent to show that actually the marriage took place in Delhi and the wedding cards printed by the parties also shows that the marriage was performed in Delhi, including a function was held in Delhi Cantt. and various photographs have been placed on record of the Family Court. Counsel

further submits that the evidence of the respondent/wife has already been concluded and the present appeal has been filed at a belated stage only to derail the trial and the appellant has not entered the witness box.

We have heard the learned counsels for the parties. According to the appellant, the marriage was solemnized in Gujarat however, according to the respondent, the marriage was performed in Delhi. Both parties rely on documents filed by them before the Family Court. In view of the peculiar facts, we are of the view that the question of jurisdiction can only be decided after the entire evidence has been recorded. Since the evidence of the respondent/petitioner before the Family Court has been concluded, at this stage, we see no reason to differ with the view expressed by the Family Court vide order dated 30.07.2018. Without expressing any opinion on the merits of the matter, we leave the question of territorial jurisdiction open to be decided by the Family Court at the stage of final hearing of the matter.

With these observations, the appeal is dismissed.

CM.APPL 42789/2018 also stands dismissed.

G.S.SISTANI, J

JYOTI SINGH, J

OCTOBER 22, 2018

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