

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.2105 of 2019

ORDER:

This revision, under Article 227 of the Constitution of India, is filed by the petitioner/respondent aggrieved by the order dated 08.05.2019 passed in I.A.No.56 of 2019 in O.P.No.1276 of 2018 by the Judge, Additional Family Court, City Civil Court at Hyderabad.

2. Heard learned counsel for the revision petitioner and perused the record.

3. Learned counsel for the revision petitioner would submit that the respondent-wife is not residing in the house of S. Rama Chandra and the revision petitioner does not know who is said Rama Chandra. The revision petitioner has filed several documents to show that the respondent-wife is not residing within the territorial jurisdiction of the Court below and ultimately, prayed to set aside the impugned order and allow the application as prayed for.

4. Firstly, it is relevant to state that the averments of the Original Petition are required to be taken into consideration for considering the question whether the Court below has jurisdiction or not. On perusal of the same, it reveals that Villa No.83 belongs to the revision petitioner and due to the harassment meted out to her by the revision petitioner, she had shifted her residence to the house of S. Rama Chandra and the house of S. Rama Chandra is within the territorial jurisdiction of the Court below. The petition averments clearly demonstrate

that the Court below has jurisdiction to entertain the Original Petition filed by the respondent-wife under Section 13(1)(ia) of the Hindu Marriage Act, 1955. It is not necessary to examine the documents, counter etc., filed by the revision petitioner and take a decision on the jurisdictional dispute, which has become a question of fact, which is required to be determined after due trial of the case.

5. Under these circumstances, the Court below rightly exercised its jurisdiction in passing the impugned order. The revision petition is devoid of merit and is liable to be dismissed.

6. In the result, the Civil Revision Petition is dismissed.

Pending miscellaneous applications, if any, shall stand dismissed in consequence.

23rd SEPTEMBER, 2019.

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Dr. SHAMEEM AKTHER, J