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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **MAT.APP.(F.C.) 307/2019**
MEGHA

..... Appellant

Through: Kumar Prashant, Advocate

versus

KUMAR SAURABH

..... Respondent

Through: Mr.Ravi Ranjan, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE ASHA MENON

ORDER

% **29.11.2019**

MAT.APP.(F.C.) 307/2019, C.M. Appl. No. 51365/2019 (for filing TCR))
51364/2019 (delay)

1. The appellant is aggrieved by the order dated 27.05.2019, passed by the Principal Judge, Family Court, East District, whereunder the First Motion for seeking divorce by mutual consent jointly filed by the appellant and the respondent has been dismissed on the ground that the Family Court, East District, Delhi was not vested with territorial jurisdiction to decide the mutual divorce petition, since neither of the parties reside within the jurisdiction of the said Family Court.
2. The impugned order records that it appears that the parties are concealing the true facts with regard to their actual place of residence and has disbelieved the rent agreement produced by the appellant in support of her submission that she is a resident of Delhi.

3. Though, no such ground has been taken in the appeal to assail the impugned order, having noticed that the First Motion petition filed by the parties has been dismissed by the Family Court, instead of being returned to be filed before the competent court vested with territorial jurisdiction, we have inquired from learned counsel for the appellant if he would like to address us on the said aspect, he replies in the affirmative. He requests that the First Motion petition filed by the parties may be returned to the parties for them to file it before the competent court vested with jurisdiction. Learned counsel for the respondent, who appears on advance notice, states that he has no objection to the suggestion made above.

4. We note that the respondent is presently residing in London and his permanent place of residence is at Gurgaon and the appellant has now moved her place of residence to Noida, U.P.

5. Accordingly, the impugned order is modified. Instead of dismissing the First Motion petition filed jointly by the parties for seeking divorce, it is directed that the said petition shall be returned to the parties for being presented before the competent court vested with territorial jurisdiction in that regard.

6. The present appeal is disposed of on the aforesaid terms alongwith the pending applications.

HIMA KOHLI, J

ASHA MENON, J

NOVEMBER 29, 2019

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