

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

15 WRIT PETITION NO.2305 OF 2020

GOVARDHAN RAM MALI
VERSUS
SUVARNA GOVARDHAN MALI

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Mr. V.D. Gunale, Advocate for the petitioner.

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CORAM : **Rohit B. Deo, J.**

DATE : 11th February 2020.

ORDER :-

. The petitioner is challenging the order dated 28.08.2019 whereby the Judge, Family Court, Latur has rejected the application (Exh.5) questioning the maintainability of the petition preferred by respondent-1/wife under Section 9 of the Hindu Marriage Act, 1955.

2. The petitioner has questioned the territorial jurisdiction of the Family Court, Latur contending that respondent 1 / wife is not residing at Latur.

3. The learned Judge of the Family Court has recorded a finding of fact, considering the averments in the petition, that the wife has shifted to Latur in the interest of education of her sons and is residing with her cousin at

village Karla, Taluka Ausa, District Latur. Learned Counsel for the petitioner relies on the decision of this Court in the case of *Advocate Ramesh Vs. State of Maharashtra*, 2011 (6) *Mh.L.J.* 167. The said decision does not take the case of the petitioner any further. The ratio of the said decision is that the wife cannot by temporarily shifting her residence, drag the husband in litigation to a place which otherwise has no jurisdiction. The facts in the above-cited case are clearly distinguishable since in the present case the wife has shifted to Latur in the interest of the education of her children and is residing at Moti Nagar, Latur with her cousin.

4. The petition is dismissed.

(ROHIT B. DEO, J.)

VD_Dhirde