

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 26303 OF 2022

Manawar Hossain Khan @ Manawar Hosen Khan ***Petitioner***

Mr. Sk. Zafarulla, Advocate

-versus-

Atiya Zarreen ***Opp. Party***

**CORAM:
JUSTICE K.R. MOHAPATRA**

**ORDER
14.11.2022**

Order No.

2. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition seeks to assail the order dated 8th August, 2022 (Annexure-4) passed by learned Judge, Family Court, Bhadrak in C.P. No. 39 of 2019, whereby an application filed by the Petitioner assailing the jurisdiction of the Court to adjudicate the proceeding has been rejected.
3. Learned counsel for the Petitioner submits that both the Petitioner as well as Opposite Party are residing under the jurisdiction of Family Court, Balasore. A petition under Section 7 of the Family Court's Act, 1984 has been filed by the Opposite Party assailing the validity of the marriage between the Petitioner and Opposite Party. Hence, only the Family Court at Balasore has jurisdiction to adjudicate upon the matter. The Opposite Party taking a plea that the marriage was solemnized in the district of Bhadrak and the concerned Kazi has issued the marriage certificate at Bhadrak, has filed the proceeding before learned Judge, Family Court, Bhadrak. Such a proceeding is

not maintainable due to want of local jurisdiction. Learned Judge, Family Court, Bhadrak considering the plea of Opposite Party that the marriage was solemnized at Bhadrak refused to entertain the said application and held the proceeding before the said Court to be maintainable. Hence, the impugned order under Annexure-4 is not sustainable and is liable to be set aside.

4. Considering the submission made by learned counsel for the Petitioner, this Court finds that admittedly the marriage was solemnized in the district of Bhadrak and the marriage certificate was issued by Kazi in the district of Bhadrak. The Opposite Party has filed a petition for declaring the marriage as null and void. Since the marriage had taken place in the district of Bhadrak, it cannot be said that learned Judge, Family Court, Bhadrak has no jurisdiction to entertain the said application. As such, I find no infirmity in the impugned order.

5. Accordingly, this writ petition being devoid of any merit stands dismissed.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge

bks