

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.2214 OF 2022

(Satish s/o Vasantrya Bode Vs. Suchita w/o Satish Bode)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. R. S. Thengne, Advocate for Petitioner.

CORAM: ROHIT B. DEO, J.

DATE: 25th APRIL, 2022.

In response to petition preferred by the respondent wife seeking dissolution of marriage, the petitioner husband appeared and preferred a preliminary objection to the tenability of the petition on the ground of territorial jurisdiction.

2. The wife presented the petition at Nagpur on the premise that she is residing at Nagpur. The wife also placed on record certain documents including the leave and licence agreement. The wife asserted in the petition that she is studying and residing at Nagpur.

3. The learned Judge of the Family Court rejected the preliminary objection on the premise that there is sufficient material placed on record to show that the wife is residing at Nagpur and therefore, the court has territorial jurisdiction to entertain the petition.

4. While rejecting the preliminary objection the learned Judge has observed that the evidence of the parties is not recorded as yet and therefore, at that stage it cannot be said that the leave and licence agreement is false and forged document.

5. Considering that the order impugned is passed only on an application for deciding the preliminary objection, I see no reason to interfere in writ jurisdiction, particularly since on a holistic reading of the order impugned, it appears that the objection on the ground of territorial jurisdiction is not totally foreclosed and if after recording evidence the husband is in a position to demonstrate absence of territorial jurisdiction, the issue may be revisited.

6. The petition is dismissed.

JUDGE

NSN