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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL REVISION APPLICATION NO.37 OF 2023

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Manish Jaysinh Patil

... Applicant

V/s.

Ritu Manish Patil

... Respondent

Mr. Shailendra S. Kanetkar for the applicant.

Mr. Hitesh P. Vyas for the respondent.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 29, 2023

P.C.:

1. The application is filed by the petitioner raising issue of maintainability of Petition No. 227 of 2019 on the ground that foreign Court has already granted divorce.
2. Whether the judgment passed by the foreign Court is in consonance with Indian law is essentially an issue which involves mix question of law and fact. Such issue needs to be decided after framing issue in the petition before Indian Courts and parties need to be given opportunity to lead oral evidence in support of their case. It is only after the Indian Court records a finding that the judgment passed by the foreign Court is in consonance with Indian law, such judgment can be treated as binding on parties before the Indian Courts.

3. It appears that without framing such issue and granting opportunity to the parties to lead evidence, the Family Court has adjudicated on the said issue. Therefore, it is necessary that the finding recorded by the Family Court in the impugned order shall not bind the Family Court at the time of decision on the issue of binding nature of judgment of foreign Court. If after granting opportunity to the parties to lead evidence on the issue of validity of foreign judgment, if the Family Court comes to the conclusion in favour either of the parties, the Family Court will be at liberty to pass appropriate orders in accordance with conclusions drawn by the Family Court.

4. Therefore, in my opinion, no interference in the impugned order is called for at this stage. With the clarification as referred above, the civil revision application stands disposed of. No costs.

(AMIT BORKAR, J.)