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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ MAT.APP.(F.C.) 317/2025, CM APPL. 55092/2025, CM APPL. 55093/2025 and CM APPL. 55094/2025

AANJANEYA MISHRAAppellant

Through: Mr. R. K. Vats & Ms. Kumari
Alka, Advs.

versus

SMITA AANJANEYA MISHRA @ SMITA MISHRA

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN

SHANKAR

ORDER

% **02.09.2025**

1. The present Appeal has been filed by the Appellant under Section 19(1) of the Family Courts Act, 1984 assailing the Impugned Order dated 02.06.2025 passed by the Family Court, East District, Karkardooma Courts, New Delhi in C.S. No. 51 of 2023 captioned ***Aanjaneya Mishra vs. Smita Aanjaneya Mishra @ Smita Mishra.***

2. The Appellant filed the suit for declaration to the effect that marriage was solemnized between him and the Respondent on 07.02.2002 at Naini, Allahabad (now Prayagraj), Uttar Pradesh.

3. The suit filed by the Appellant has been returned under Order VII, Rule 10 of the Code of Civil Procedure, 1908 [hereinafter referred to as 'CPC'], in order to present the same before the Court of competent jurisdiction.

4. The Appellant claims that the parties co-habited in New Delhi for a period almost a year in 2002-03 before shifting to the United Kingdom.



5. The Family Court has held that the Plaintiff's suit does not fall within the scope of the Hindu Marriage Act, 1955, however, it is maintainable under the Family Courts Act, 1984, which does not prescribe the place of filing the Suit. Hence, the Family Court applied the provisions of the CPC to return the Plaintiff's suit in order to present before the Court of competent jurisdiction, i.e., at Prayagraj, Uttar Pradesh.

6. Learned counsel representing the Appellant vehemently argues that the one part of the cause of action arose in New Delhi because the parties co-habited here for a period of almost one year. He further submits that it will be inconvenient for him to go to Prayagraj, Uttar Pradesh.

7. This Court has considered the submissions, however, finds no merits. Even if the parties co-habited for a period of one year in New Delhi in 2002-03, the cause of action to file the suit for declaration will not arise from the place of their co-habitation, where they resided together approximately 20 years, before filing of the underlying suit. Admittedly, the parties have migrated to the United Kingdom in the year 2005 and are continuing to stay there.

8. In view of the above, this Court finds no reason to interfere with the impugned judgment.

9. The present Appeal, along with pending application, stands dismissed.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.
SEPTEMBER 2, 2025/sg/er