

:: ORDER BELOW EXH. 10 ::

- [1] Read the application. Heard the learned advocates for the parties on record. perused the record.
- [2] By filing the present application, the opponents have prayed that this Court has no jurisdiction to entertain the application filed by the applicant under section 12 of the D.V.Act as : the applicant is inhabitant of Ghoghala, Tal. Diu ; the marriage of the applicant as well as the opponent No. 1 also took place at Ghoghala Tal. Diu; Diu does not fall within the territorial jurisdiction of this Court. Hence, he has requested the Court to dismiss the application for want of jurisdiction.
- [3] To support the application, the opponent side has produced copy of Adhar Card, Election Card, Passport, I.D. Card of the applicant vide Mark 11/1 to 11/4 respectively. Moreover, in support of the application on hand, the opponent side has also relied upon the judgement of the Hon'ble Apex Court delivered in the case of Shyamlal Devda & Others Vs. Parimala in Criminal Appeal No. 141/2020.
- [4] On the other side, the learned advocate for the applicant has orally submitted that the applicant is residing at her maternal house which is located at Naliya Mandavi Village, Tal. Una Dist. Gir Somnath which is well within the territorial jurisdiction of this Court. Hence, he has by relying upon section 27 of the said Act, requested to reject the application on hand.
- [5] Perused the record. Before proceeding further in discussing the merits of the application on hand,

it would be advantageous for this Court to refer Section 27 of the D.V.Act which reads as under :

27. Jurisdiction. —

- (1) The court of Judicial Magistrate of the first class or the Metropolitan Magistrate, as the case may be, within the local limits of which —
 - (a) the person aggrieved permanently or temporarily resides or carries on business or is employed; or
 - (b) the respondent resides or carries on business or is employed; or
 - (c) the cause of action has arisen, shall be the competent court to grant a protection order and other orders under this Act and to try offences under this Act.
- (2) Any order made under this Act shall be enforceable throughout India.

[6] Thus, from the bear perusal of the aforesaid section 27 (1) (a) makes it very clear that the court of Judicial Magistrate of the first class or the Metropolitan Magistrate, as the case may be, within the local limits of which the person aggrieved permanently or temporarily resides or carries on business or is employed shall be the competent court to grant a protection order and other orders under this Act and to try offences under this Act.

[7] Now, on perusal of the record, it transpires that the applicant at the time of filing the application under Section 12 of the D.V.Act has, on oath, stated her residential address in the title part as - "Jalaram krupa", Near Ghoghala Check Post, Ahmedpur Mandvi, Tal. Una, Dist. Gir

Somnath. It is also required to be noted that the applicant side has vide Mark 12/1 & 12/2 produced the copies of the sale deed of the place executed in favour of the mother of the applicant as well as the electricity bill in the name of the mother of the applicant to show that the mother of the applicant resides at Naliya Mandvi Village, Tal. Una, Dist. Gir Somnath where the applicant also resides, presently, with her mother and consequently, the applicant resides within the territorial limits of this Court.

[8] At the same time, it is also required to be considered that the opponent side has relied upon the judgement of the Hon'ble Apex Court delivered in the case of Shyamlal Devda & Others Vs. Parimala in Criminal Appeal No. 141/2020. On perusal of the said judgement, it becomes clear that the opponent of the said appeal - Parimala had filed the application under section 12 of the D.V.Act before the Metropolitan Magistrate Court, Bengaluru. It further becomes clear that the Hon'ble Apex Court by referring Section 27 of the said Act had held that the respondent is residing with her parents within the territorial limits of Metropolitan magistrate Court Bengaluru. in view of section 27(1)(a), the Metropolitan magistrate Court Bengaluru has the jurisdiction to entertain the complaint and take cognizance of the offence. There is no merit in the contention raising objections as to the jurisdiction of the Metropolitan magistrate Court a Bengaluru.

[9] Thus, having considered the aspects shown on record by the applicant side as to the applicant presently residing with her mother at the address shown, on oath, in the title of the application

filed under section 12 of the D.V.Act; the address mentioned in the D.I.Report prepared and submitted by the Protection Officer, Gir Somanth, etc., this Court is of the clear opinion that as the applicant presently resides at Ahmedpur Mandvi, Tal. Una, Dist. Gir Somnath i.e. well within the jurisdiction of this Court. Hence, in light of the aforesaid discussion, this Court holds that the present application deserves to be dismissed. Hence, following final order is passed in the interest of justice.

:: O R D E R ::

[1] The application filed by the opponents raising objections as to the jurisdiction vide Exh. 10 stands rejected.

[2] No order as to cost.

Pronounced today on this 16th day in the month of January in the year 2025 in the open Court.

Place :	Una.	{Hardiv Kiritkumar Vachharajani}
Date :	16.01.2025	Add. Chief Judicial Magistrate Una. (GJ01231)