

MHDH070029632021



Order Below Exh. 9 in Cri. M. A. No 661/2021.

(Bhagyashri Rupesh @ Balasaheb Nikam

Vs.

Rupesh @ Balasaheb Supadu Nikam)

The main application is under Section 12 of the Protection of Women from Domestic Violence Act, 2005. Present application is filed by the non-applicant to frame preliminary issue in respect of jurisdiction.

2] The contents of the application are that, the marriage of applicant and non-applicant was performed at Ganpur, Tal. Chopda, Dist. Jalgaon and applicant had cohabited there. The parental house of applicant is at Kurvel, Tal. Chopda, Dist. Jalgaon. Her parents are residing there. Hence, this Court has no jurisdiction to entertain the present application and requested to frame preliminary issue in respect of jurisdiction.

3] The applicant filed say at Exh. 10. She admitted the place of marriage and place of residence of her parents. She further contended that, after death of her father and refusal by non-applicant she is residing at her maternal uncle (मामा). On 10.06.2021 non-applicants No. 1 to 5 abused and threatened the applicant, her mother and maternal uncle (मामा). Said incident had occurred within the jurisdiction of this Court. Hence, this Court has jurisdiction to entertain the application and requested to reject present application.

4] The non applicant and their learned advocate remained absent. In spite of sufficient opportunities given to the learned advocate for the non-applicants he did not argue on the application. Hence, application proceeded without argument of the non-applicants.

5] Heard learned advocate Shri. S. V. Patel for the applicant. He relied on citation of Hon'ble Supreme Court in the case of **Shyamlal Devda and others Vs. Parimala, Criminal Appeal No. 141/2020 (arising out of SLP (Crl.) No. 4979 of 2019.**

6] Perused the main application. The application has mentioned in her application that, after the death of her father she is residing at her maternal uncle's (मामा) house at Hisale, Tal. Shirpur, Dist. Dhule. The applicant has also mentioned her address in the application at Hisale, Tal. Shirpur, Dist. Dhule.

7] In the citation of **Shyamlal Devda and others(supra)** it is held that, 'the petition under the Domestic Violence Act can be filed in a Court where the "person aggrieved" permanently or temporarily resides or carries on business or is employed.

8] Considering the contentions of the main application, argument of learned advocate of the applicant and the ratio of above citation. It is contention of applicant that, she is residing at her maternal uncle's (मामा) house at Hisale, Tal. Shirpur, Dist. Dhule which is within the jurisdiction of this Court. Hence, as per the citation **Shyamlal Devda and others(supra)** this Court has jurisdiction to entertain the matter. Hence, present application is liable to be rejected. Therefore, I proceed to pass following order.

Order

Application is rejected.

Sd/--

Shirpur.

(R. R. Bhadre)

Date :- 08.01.2024.

Judicial Magistrate First Class (Court No. 1),
Shirpur, Dist. Dhule.

CERTIFICATE

*I certify that the contents of the PDF File are word to word as per
Original Judgment / Order.*

Name of the Steno : Gopal A. Patil

*Name of the Court : C.J.J.D. & J.M.F.C., Shirpur,
Dist. Dhule.*

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