

Cri. M.A No. 226/2021
(Sonali Sakore Vs. Kiran Sakore)
CNR No. MHPU23-000964-2021

Order below Exh.16-A

1] This is an application filed by respondents for rejection of the D.V application filed by the applicant on the ground of territorial jurisdiction of the Court.

2] According to the application the applicant is a permanent resident of village Kendur Tal. Shirur Dist. Pune. The applicant is residing at the said address before the marriage. The applicant in the present application has mentioned her address which happens to be residential house of her maternal aunt namely Anjana Galav and is stated to be residing at the said address. The applicant has not mentioned the purpose and reason for residing at the address of her maternal aunt. The applicant has not filed any document to show that she is temporarily residing at the said address. The applicant has received the notice sent by respondent No.1 at her parental home at village Kendur, Tal. Shirur, Dist. Pune. The applicant has filed the present application by disclosing a false address. The respondent No.1 has filed Divorce proceeding against the applicant in the Court at Pune in the year 2021. The applicant has received notice of said case at her parental home at village Kendur, Tal. Shirur, Dist. Pune. The applicant has filed this case in the present Court on basis of wrong address only with a view to harass the respondent No.1. Therefore, the respondents have claimed that this Court lacks territorial jurisdiction and therefore the D.V proceeding filed by applicant may be rejected.

3] The applicant has opposed the application by filing reply. According to the reply of applicant, the contents of the present application are false and fictitious. The applicant is residing at the house of her maternal aunt prior to the performance of her marriage. The notice sent by respondent was

received by her father. The claim of the respondent that applicant is residing at her parental home is false. Therefore the applicant has prayed for rejection of the application filed by the respondents.

4] Heard Ld. Counsel's for both the sides. I have carefully gone through the record of the case and pleadings of the application. The Ld. Counsel for the respondent has relied upon the decision of Hon'ble Parent High Court reported in **Afia Rashid Khan Vs. Dr. Mazharuddin Ali Khan and anr.**, On the strength of the aforesaid decision, the Ld. Counsel for respondent submitted that, the application filed by applicant should be rejected for the wants of jurisdiction.

5] With regard to the objection raised by respondents with regard to jurisdiction it is necessary to go through the section 27 of Protection of women from D. V Act.

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.

6] The plain reading of above provision make its clear that petition under Domestic Violence Act, can be filed in Court where the person aggrieved permanently or temporarily reside. In the present case, the applicant is residing

at the residence of her maternal aunt which happens to be situated within the territorial limits of the jurisdiction of this Court. The claim of the respondents that applicant is not residing within the territorial jurisdiction of this Court is not supported by documentary evidence. The Protection of Women from Domestic Violence Act, 2005 is a beneficial legislation for the women. The Act provides manifold jurisdiction to institute a complaint to an aggrieved person as such the Act is very liberal so far the jurisdiction is concerned. Therefore the objection raised by respondents that the application should be rejected for want of territorial jurisdiction is devoid of merit. The application filed by respondents is liable to reject. Hence proceed to pass following order :-

ORDER

The application is hereby rejected.

Pune
Date : 08/08/2024

(S.B.Pawar)
Judicial Magistrate First Class
Khed-Rajgurunagar

CERTIFICATE

I affirm that the contents of this P.D.F. file Order are same, word to word, as per the original Order.

Name of Stenographer	: Akash P. Sonawane Steno (L.G)
Court	: J.M.F.C. Khed-Rajgurunagar
Date	: 08.08.2024
Order signed by the Presiding Officer on	: 09.08.2024
Order uploaded on	: 09.08.2023
