

ORDER BELOW EXH. 12 IN P.W.D.V. A. No. 42/2022

(Monali Meshram Vs. Praful Meshram & another)

1. This is an application moved by non applicant No. 1 & 2 seeking a relief that present application be dismissed for want of jurisdiction.
2. They have contended that the present application is filed under the Protection of Women from Domestic Violence Act 2005. Further, the applicant and non-applicant No.1 has married on 19/11/2017 at Nagpur and since 01/08/2022 the applicant is residing at her maternal house i.e. village Digdoh (Pande), Tq. Hingana, Dist. Nagpur. They have further contended that, the applicant and non- applicant No.1 were never residing within this jurisdiction and so this court has no jurisdiction to entertain the present application. Further, the application ought to have filed the application at Hingana but has not done so. Hence, they prayed for rejection of application.
3. The learned advocate for the applicant had filed say below Exh. 19 and denied the entire contentions. Per contra, contended that, the present application is moved only with intend to prolong the matter. Further, it is contended that, on 10/08/2022 there was heavy rain fall at village Digdoh and all the necessary articles, food articles were flowed and so the applicant started residing towards her relative Satish Ramkrushna Bhorbhannare r/o Thanegaon, Tq. Karanja. It is further contended that, as applicant is

residing at Thanegaon, so she has filed the present application in this court. Hence, she prayed for rejection of application.

4. Perused the record. Heard the learned advocates for the parties. Record shows that, the present applicant had mentioned her address of in Exh.1 as c/o Satish Bhorbhannare r/o Thanegaon, Tq. Karanja, Dist. Wardha. Further, it is not disputed that the marriage of applicant and non applicant No. 1 was solemnized at Nagpur. After going through the entire pleadings of the applicant, it reveals that, the present main application is filed on 26/09/2022 and in said application the applicant has contended that, since the heavy rain fall occurred on 10/08/2022 she is residing at Thanegaon.

5. The applicant in the present matter from the beginning had mentioned the address of Thanegaon. Further, as per section 27 (1) (a) of DV act the court within the local limits of which the person aggrieved permanently or temporarily resides or carries on business or is employed, has the jurisdiction. Further, I have gone through the ruling cited by the non-applicant in the case of Afia Rashid Khan Vs. Mazharuddin Ali Khan. In said case it is been observed that, the applicants visit to Mumbai was casual visit and does not imply definite intention to stay at particular place and so the petition was dismissed.

6. In the present matter in hand, the applicant has on oath contended that, from 10/08/2022 she is residing at Thanegaon and today also she is residing at same address. So, considering all above

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aspects it is evident that, the applicant is residing at Thanegaon from 2022. So, though she is permanent resident of Digdoh, Tq. Hingna and her marriage was solemnized in district Nagpur but still she is temporarily residing with her relative at Thanegaon, Tq. Karanja. Hence, I hold that, this court has jurisdiction. The ratio laid down in the case of Afia (Supra) is not applicable to present facts. The present application is devoid of merits and so is liable to be rejected. Hence, following order.

ORDER

Application stands rejected..

Date:-29/04/2024
Karanja (Gha.)

(V.S. Wagh)
Judicial Magistrate, F.C.,
Karanja (Gha.)