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

+ **MAT.APP.(F.C.) 403/2024**

MR MICHAEL CHAKARABORTY

.....Appellant

Through: Mr. Aman Vasisth and Mr. Mahip
Datta Parashar, Advocates.

versus

MRS SHYAMSHRI CHAKARBORTY

.....Respondent

Through:

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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06.12.2024

CM APPL. 71409/2024 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

MAT.APP.(F.C.) 403/2024 and CM APPL. 71410/2024 (Condonation of delay)

3. The present appeal filed under Section 28 of the Hindu Marriage Act, 1955 read with Section 19 of the Family Courts Act, 1984 ("Act") and Section 151 of the Code of Civil Procedure, 1908 seeks to assail judgment dated 24.05.2024 passed by the learned Principal Judge, Family Court, Tis Hazari (Central District), Delhi in HMA Case No. 140/2019. Vide the impugned order, the learned Family Court has returned the petition filed by the petitioner seeking dissolution of marriage with the respondent for want of territorial jurisdiction.



4. Learned counsel for the appellant submits that though the appellant is a U.S. citizen, he has been residing in India since 2019 and therefore the learned Family Court, Central District, Delhi had the necessary territorial jurisdiction under Section 19(4) of the Act to entertain the petition. This assertion that the appellant has been residing in Delhi is, however, not borne out from the record. Learned counsel for the appellant, therefore, prays for and is granted time to produce the original passport of the appellant.

5. List on 14.01.2025.

REKHA PALLI, J

SAURABH BANERJEE, J

DECEMBER 6, 2024/uk