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IN THE COURT OF HON'BLE C.M.M., EAST DISTRICT, KARKARDOOMA COURT, DELHI

7794/21
16/9/2021

D. V. Complaint No.: /2021

In the Matter of:

[Redacted names and details]



Versus

1. [Redacted]
2. [Redacted]
3. [Redacted]
4. [Redacted]
5. [Redacted]
6. [Redacted]

File received on 15/9/21
 Present Complaint by UARJSSNGPA
 Person with Sh. Keel Ram S...
 Complaint is made over to Sh. Shanti
 for disposal Pur to
 17/9/21
 DL/16/9/21 CH/15/21

...Respondents

ATTESTED
 30 MAY 2025

169

35 C [REDACTED]
(Krishna Nagar)

13.05.2025

Pr :- Petitioner in person with Ld. Counsel Sh. R.R. Sarwal.

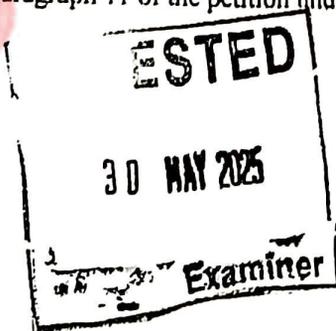
Respondent no.1 in person with Ld. counsels Sh.N. K Rathi and
Sh. Vikas Sharma.



1. Ld. Counsel for the respondent no. 1 has submitted that he has not been able to pay the educational expenses of the minor children in terms of order dated 23.06.2022 and 03.04.2025 due to financial constraints. He has further argued that this Court has no territorial jurisdiction to try the present case and his application in this regard may be decided first.

2. The territorial jurisdiction of the court has been assailed on the ground that as per paragraph no. 16 of the petition under Section 12 PWDV Act, the petitioner has invoked the jurisdiction of this Court on the ground that the [REDACTED] and [REDACTED] and the jurisdiction of this Court. He has contested that this house falls within PS Jagatpuri, over which this court has no territorial jurisdiction. He has relied upon Kaushik Chatterjee vs. State of Haryana and Ors. to argue that all proceedings before the Court would be null and void in case it has no territorial jurisdiction, and hence this aspect may be decided at the earliest.

3. On the other hand, Id. Counsel for the petitioner has argued that as per paragraph 11 of the petition under Section 12 PWDV Act, the





petitioner has lived at [REDACTED] prior to the filing of this petition and the cause of action had arisen there. He has submitted that even if this court has no territorial jurisdiction over [REDACTED]

[REDACTED] the jurisdiction over [REDACTED] is not disputed and the court may proceed to hear the case on this basis. He has relied on Section 27 PWDV Act to argue that the court having jurisdiction over the place where the cause of action arose, is empowered to carry out the proceedings under the Act.

4. Arguments have been heard and record has been perused.

5. The petitioner has clearly invoked territorial jurisdiction of this court on the basis of her residence in [REDACTED]

[REDACTED] Same is apparent from paragraph no. 16 of her pleadings. The report of the SHO Krishna Nagar is still awaited with regards to this address. Let the same be filed by the SHO concerned within 3 days from today. Court notice be issued to him in this regard. SHO concerned to specifically state whether the [REDACTED]

[REDACTED] fell within the limits of PS Krishna Nagar on 17.09.2021 i.e. the date of filing of the present petition under Section 12 PWDV Act.

6. With regards to the other address i.e. [REDACTED]

[REDACTED] and the allegation that the cause of action arose therein, the court finds that the petitioner's submissions and pleadings are vague and general in nature as so date of incident has been

ATTESTED
30 MAY 2025
Examine.

provided by her in her petition under Section 12 of PWDV Act. In the absence of the date of incident, the material on record is grossly insufficient for even prima facie showing that the alleged acts of domestic violence were committed by the respondents in house no. [REDACTED]

[REDACTED] Thus, the pleadings do not reveal any cause of action which arose in property bearing no. [REDACTED]

7. Hence, before proceeding forward, the Court deems it fit to peruse the report of the SHO concerned.

8. Put up for report of the SHO on 16.05.2025.

(Rishika Sriyastava)
JMFC, Mahila Court-01 East District,
KKD Courts, Delhi, 13.05.2025



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30 CT Cases 789/2021 DIMPLE JAIN Vs. ROHIT JAIN ETC. /0 (Krishna Nagar)

16.05.2025

Pr :- Petitioner in person with Ld. Counsel Sh. R. R. Sarwal.

Respondent in person with Ld. Counsel Sh. N. K. Rathi.

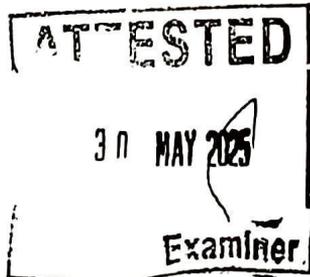


Report received from the SHO, as per which, property bearing No. 2 [REDACTED] Delhi falls within the jurisdiction of PS Jagatpuri, Delhi and not PS Krishna Nagar, Delhi. He has further submitted that property No [REDACTED] [REDACTED], Delhi neither falls within PS Krishna Nagar nor falls within PS Jagatpuri, Delhi.

Ld. counsel for the petitioner has submitted that the paragraph number 11 of the pleadings also mentions a Gandhi Nagar address and that the petitioner had lived there with the respondents after the wedding, and hence, jurisdiction of the Court can be made out on the basis of that address as well.

Pleadings perused. Paragraph no.11 of the pleadings itself clearly states that the petitioner had shifted to [REDACTED] [REDACTED] Delhi from the Gandhi Nagar house after the marriage. Her pleadings do not reveal any specific incident of domestic violence which allegedly took place in the Gandhi Nagar house. Thus, no cause of action can be stated to have arisen in the Gandhi Nagar house.

Lastly, Ld. counsel for the petitioner has submitted that the respondent has challenged the territorial jurisdiction of this Court before the Ld. Appellate Court as well and hence, it is appropriate to let the Ld. Appellate Court decide the issue.





The record reveals that the respondent no.1 had taken his objection as to the territorial jurisdiction of this Court on 16.07.2024 by way of a specific application filed in this Court. This application was filed much before the order dated 03.04.2025 passed by the Court, against which the appeal is pending. Accordingly, the respondent no.1 cannot be restrained from contesting the jurisdiction of the Court before this Court itself. Even otherwise, the Court has already passed an order with regards to the same on 13.05.2025 and cannot now review the same.

In view of the report of the SHO, this Court finds that it has no territorial jurisdiction in the present case.

Accordingly, the petition is returned in terms of Order VII rule 10 CPC.

Ld. counsel for the petitioner has not made any submission with regard to filing of application under Order VII rule 10A CPC despite being apprised of order passed today.

Petitioner to file certified copy of the petition and entire proceedings in Court after which, the original petition may be returned to her, as per rules.

File be consigned to Record Room after due compliance.

(Rishika Srivastava)
JMFC, Mahila Court-01 East District,
KKD Courts, Delhi, 16.05.2025

Office of the District & Sessions Judge Karkardooma Courts, Delhi Certified to be True Copy	
Date.....	Examiner
Copying.....	(Signature)
Authorized under Section 10 of the Indian Evidence Act 1872	