

ITEM NO.43

COURT NO.8

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No(s). 1129/2022

(Arising out of impugned final judgment and order dated 03-12-2021 in WP No. 4184/2021 passed by the High Court Of Judicature At Bombay)

AFIA RASHEED KHAN

Petitioner(s)

VERSUS

MAZHARUDDIN ALI KHAN & ANR.

Respondent(s)

(MEDIATION REPORT RECEIVED.

IA No. 19072/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 24110/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 10-10-2022 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE AJAY RASTOGI
HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Petitioner(s) Mr. Rizwan Merchant, Adv.
Mr. S. Hariharan, Adv.
Ms. Jaikriti S. Jadeja, AOR

For Respondent(s)
Mr. Manoj C. Mishra, AOR

UPON hearing the counsel the Court made the following
O R D E R

The present petition has been filed at the instance of the petitioner/complainant assailing the order passed by the High Court affirming the view expressed by the trial Court holding that the complaint filed at the instance of the petitioner under Section 12 of the Protection of Women from Domestic Violence Act ('DV Act') instituted before the competent court at Mumbai lacks territorial jurisdiction.

It is an admitted fact which has come on record that from the date of their marriage which was solemnized, i.e. 26.09.1993, the petitioner was residing in Hyderabad along with the other family members including the respondent (husband) and her children. She came to Mumbai for the first time leaving her matrimonial home on 27.09.2021 and complaint under Section 12 of DV Act came to be filed at her instance before the Court of learned Magistrate, Bandra on 20.10.2021 that came to be dismissed by the learned trial Judge because of lack of territorial jurisdiction.

After we have heard learned counsel for the parties and taking into consideration the facts on record, find that no error has been committed by the High Court under the impugned judgment.

The Special Leave Petition is accordingly dismissed.

Pending application(s), if any, stands disposed of accordingly.

(BEENA JOLLY)
COURT MASTER (NSH)

(ASHWANI KUMAR)
ASTT. REGISTRAR-cum-PS