



2025:DHC:2414-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 07.04.2025

+ MAT.APP.(F.C.) 134/2025

RAMINDER SINGHAppellant
Through: Mr. Mandeep Baisala, Advts.

versus

HARGUN KAUR SAHNIRespondent
Through: Nemo

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (ORAL)**CM APPL. 20449/2025 (Exemption)**

1. Allowed, subject to all just exceptions.

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2. This appeal has been filed by the appellant, challenging the Order dated 10.03.2025 passed by the learned Judge, Family Court-01, West District, Tis Hazari Court, Delhi, (hereinafter referred to as, 'Family Court') in HMA No. 3525/2022, titled *Raminder Singh v. Hargun Kaur Sahni*, whereby the application filed by the respondent under Order VII Rule 10 of the Code of Civil Procedure, 1908 (hereinafter referred to as, 'CPC') was allowed and the divorce petition was returned finding that the said Family Court had no territorial jurisdiction to try and entertain the same.

3. In the divorce petition filed by the appellant, he admitted that the marriage between him and the respondent was solemnized on



24.10.2020 according to the “*Arya Samaj/Sanatan Rites, Customs and Ceremonies*” at Arya Samaj Mandir, Vivah Bandhan Trust, D-178, School Block Nathu Colony, Shahdara, Delhi. The marriage was subsequently registered at the office of the District Magistrate, Shahdara, on 26.10.2020. The appellant claimed that “*after the solemnization of the marriage at the Arya Samaj, Shahdara Delhi - 110093, the newly wedded couple, that is, the petitioner and the respondent, stayed at Hari Nagar, New Delhi-110058, that is, the matrimonial house of the respondent*”. The appellant further stated that “*thereafter, on 04.04.2021, the marriage between him and the respondent was solemnized in a Gurudwara as per Sikh Rituals, Customs and Ceremonies*”.

4. The learned Family Court, in the impugned order, has observed that as the marriage between the parties was solemnized at Shahdara and, admittedly, the parties were last residing in Dublin, Ireland, there was no territorial jurisdiction of the said Family Court to entertain and adjudicate the divorce petition.

5. The learned counsel for the appellant, drawing our attention to the wedding card and the wedding photographs, submits that the marriage between the parties was solemnized as per the Sikh Rites and Ceremonies on 04.04.2021 at a Gurudwara in Kirti Nagar. He further submits that the earlier marriage between the parties at Arya Samaj Mandir was not solemnized in accordance with the Hindu Rites and Ceremonies, and, therefore, cannot divest the learned Family Court of its jurisdiction. In support of his submission, he places reliance on the judgment of the Hon’ble Supreme Court in *Dolly Rani v. Manish*



Kumar Chanchal, (2025) 2 SCC 587.

6. We have considered the submissions made by the learned counsel for the appellant, however, we find no merit in the same.

7. As already noticed by us hereinabove, the divorce petition filed by the appellant itself states that the marriage between the parties was solemnized on 24.10.2020 according to the “*Arya Samaj/Sanatan Rites, Customs and Ceremonies*” at the Arya Samaj Mandir, Shahdara. It states that the parties thereafter stayed at their matrimonial house in Hari Nagar. Merely because the parties, for whatever reasons, decided to solemnize their marriage for a second time, now in accordance with “*Sikh Rites and Ceremonies*”, would not make the first marriage *void/invalid* or of no consequence. Accordingly, the marital status of the parties would flow from the first marriage that was performed at the Arya Samaj Mandir. There is no dispute on the fact that the parties were last residing in Dublin, Ireland. Therefore, in terms of Section 19 of the Hindu Marriage Act, 1955, the jurisdiction to entertain the Divorce Petition vested in the Family Court having jurisdiction over the Shahdara area and not the learned Family Court, West District, whose jurisdiction had been invoked by the appellant on basis of the second marriage solemnized at Hari Nagar.

8. The learned Family Court has, therefore, rightly returned the divorce petition to be filed before an appropriate Court, observing that the said Family Court did not have the territorial jurisdiction to adjudicate the same.

9. We, therefore, do not find any merit in the present appeal. The



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same is, accordingly, dismissed.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

APRIL 7, 2025

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Click here to check corrigendum, if any