

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

Uploaded on: 30.09.2026

**CM(M) No. 205/2026
CM No. 6901/2026**

Israr Manzoor

...Petitioner /Appellant(s)

Through: - Mr. Rohit Verma, Advocate

Vs.

Takdis Alyas @ Takids Alyas

...Respondent(s)

Through: -

CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER (ORAL)

29.09.2026

1. The petitioner, through the medium of the present petition, has challenged order dated 03.09.2026 passed by the learned Additional Principal Judge, Family Court, Jammu (hereinafter referred to as "the trial court"), whereby the application filed by the petitioner/defendant under Order VII Rule 10 of the CPC has been dismissed.
2. Heard learned counsel for the petitioner and perused record of the case.
3. It appears that the respondent/plaintiff has filed a suit against the petitioner/defendant before the trial court under Section 2 of the Dissolution of Muslim Marriages Act, 1939, seeking dissolution of the marriage by a decree of divorce. Upon appearance before the

learned trial court, the petitioner/defendant filed an application under Order VII Rule 10 of the CPC, seeking a direction for return of the plaint on the ground of lack of territorial jurisdiction. In the application, it was contended by the petitioner/defendant that, as per the contents of the plaint, the marriage between the parties was solemnized at Rajdhani, Tehsil Thanamandi, District Rajouri, and that all the material facts, the cause of action and the events relating to the marriage, including the allegations pertaining to cruelty and desertion, took place at Thanamandi, District Rajouri, which falls outside the territorial jurisdiction of the trial court. On these grounds, it was contended that the learned trial court lacks territorial jurisdiction to entertain the suit and, therefore, the plaint is liable to be returned for its presentation before the court having jurisdiction.

4. The learned trial court, vide impugned order dated 03.09.2026, proceeded to dismiss the application filed by the petitioner on the ground that a part of the cause of action has arisen within the territorial jurisdiction of the trial court and, therefore, the trial court is vested with jurisdiction to entertain the suit.
5. It is a settled law that, while deciding an application under Order VII Rule 10 of the CPC, the court has to consider only the averments contained in the plaint and the documents annexed thereto. It is equally settled position of law that the veracity or correctness of the assertions made in the plaint cannot be

examined by the court while deciding an application under Order VII Rule 10 of the CPC. Keeping this legal position in view, let us now proceed to examine the contents of the plaint.

6. A perusal of the plaint filed by the respondent/plaintiff against the petitioner/defendant before the trial court shows that it has been averred therein that the parties were residing in Tehsil Thanamandi at the time of their marriage. It has further been alleged by the plaintiff that demands for dowry were made by the defendant and his family members. After giving details of the alleged acts of cruelty committed by the defendant upon her and the efforts made by the elders to reconcile the dispute between the parties, the plaintiff has averred in paragraph 16 of the plaint that, after feeling threatened by the defendant and his parents, she finally came to Jammu on 22.08.2023 and started living with her brother and mother in rented accommodation at Janipur, Jammu. It is further averred in paragraph 17 of the plaint that, on 25.10.2023, the parents of the defendant came to Jammu to tender an apology and requested her to accompany them, but she refused to do so. Thereafter, the parents of the defendant allegedly started quarrelling with the plaintiff and passed derogatory, discriminatory, filthy and abusive remarks against her as well as her family members.
7. From the aforesaid assertions made in the plaint, it is clear that the plaintiff has made allegations regarding acts of cruelty

allegedly committed by the parents of the defendant at Janipur, Jammu. Since the plaintiff after being subjected to cruelty by the defendant shifted to Jammu, as such, she has suffered the consequences of desertion and cruelty at Jammu. The question as to whether or not these allegations are true cannot be gone into by this Court at this stage, as the same is a matter of trial.

8. Once the plaint itself contains allegations regarding acts of cruelty which allegedly took place within the territorial jurisdiction of the trial court, it can safely be held that a part of the cause of action has arisen within the territorial jurisdiction of the trial court. Whether or not such acts actually took place is a matter to be determined on the basis of evidence during the trial. The same cannot be examined at the stage of consideration of an application under Order VII Rule 10 of the CPC. It is for this reason that the learned trial court has declined the prayer of the petitioner/defendant and dismissed the application.
9. For the foregoing reasons, I do not find any illegality or impropriety in the impugned order passed by the learned trial court. The present petition, being devoid of merit, is accordingly dismissed.

(SANJAY DHAR)
JUDGE

Jammu:
29.09.2026
Karam Chand

Whether the order is speaking:	Yes/No
Whether the order is reportable:	Yes/No