

and the defendant was condemned in £7,200 damages. The Indian Divorce Act, 1869, authorizes the Indian courts, where (a) the petitioner professes the Christian religion and resides in India at the time of presenting the petition, and (b) where the marriage shall have been solemnized in India—both of which conditions were fulfilled in the present case—to act and give relief on principles and rules as nearly as may be conformable to the principles on which the Divorce court in England gives relief. By s. 11 the petitioner is required to make the alleged adulterer a co-respondent; by s. 34 the husband may claim damages from the co-respondent; and by s. 50 the petition is to be served on any party to be affected thereby, either within or without British India, in such manner as the High Court shall direct. Rule 25 of Order V. of the High Court rules provides for the service by post of a summons on a defendant resident out of British India. For the plaintiff it was contended that the English court had jurisdiction to entertain the claim and give judgment for the plaintiff. For the defendant it was contended that the court had no jurisdiction; that the courts in England will give effect to the decree only if the parties were domiciled in the place where it was made; and that the decree in this case was separable into two parts, one a decree for the dissolution of the marriage and the other for the payment of a sum of money, and that in so far as it was a judgment for the payment of a sum of money it was merely in the position of the judgment of a foreign court in personam, which in the circumstances of this case could not be enforced in the courts of this country. The following, amongst other cases, were referred to: *Emanuel v. Symon*, 98 L.T.R. 304, [1908] 1 K.B. 302; *Rayment v. Rayment*, 103 L.T. Rep. 430, [1910] P. 271. Scrutton, J., gave judgment for the plaintiff, and held, that as the English courts will recognize and enforce the judgments as to status of the Indian courts in matters within their jurisdiction—marriage and the dissolution of marriage being matters of status—so they will also recognize and enforce the ancillary orders as to damages such as they themselves make in similar cases: *Phillips v. Batho*, 135 L.T. Jour. 186.