

(2010) 11 RAJ CK 0079

In the Rajasthan High Court

Case No : Civil Miscellaneous Stay Application No. 2036 of 2009 in Civil Transfer Application No. 44 of 2009

Deepti Patidar Bohara

APPELLANT

Vs

Yogesh Kumar Patidar

RESPONDENT

Date of Decision : 22-11-2010

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 24

Citation : (2010) 11 RAJ CK 0079

Hon'ble Judges : Narendra Kumar Jain, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Narendra Kumar Jain, J.—Heard learned Counsel for both the parties.

2. Petitioner has preferred this transfer petition u/s 24 of the CPC for transferring the Divorce Application No. 481/2007 pending before the Family Court No. 1, Jaipur City, Jaipur to District Court at Jhalawar.

3. It is contended that Petitioner is a lady and only for the purpose of harassing her, the present matter has been instituted by her husband at Jaipur, Jaipur is about 350 Kms. away from Jhalawar. Therefore, it is very difficult for her to attend the present case at Jaipur. Therefore, the said case may be transferred to Jhalawar.

4. The application is opposed by learned Counsel for the Respondent contending that convenience of wife cannot be a ground for transferring a case. Therefore, transfer application is liable to be dismissed.

5. I have considered the submissions of learned Counsel for the parties. The Hon'ble Supreme court in the case of Sumita Singh v. Kumar Sanjay, reported in (2001) 10 SCC 41, observed that if suit is filed by husband then wife's convenience must be looked at and held that circumstances indicated in the judgment are sufficient to make the transfer petition absolute.

6. No doubt, distance between Jaipur and Jhalawar is about 320-350 Kms. and it may be difficult for a lady to attend the case at Jaipur. In these circumstances, I think it fit and proper to transfer the above case from Family Court Jaipur City, Jaipur to District Judge, Jhalawar.

7. Consequently, the transfer application is allowed. Application No. 481/2007 pending before the Family Court No. 1, Jaipur City, Jaipur is transferred to the District Judge, Jhalawar. The Family Court No. 1, Jaipur City, Jaipur is directed to transfer the above file to the District Judge at Jhalawar, who is directed to decide the same expeditiously in accordance with law.

8. A copy of this order may be sent for information and compliance to both the courts mentioned above.