
(2021) 08 RAJ CK 0013

In the Rajasthan High Court

Case No : S.B. Civil Transfer Application No. 16 Of 2021

Rekha W/O Vikram

APPELLANT

Vs

Vikram S/O Bhagirath

RESPONDENT

Date of Decision : 05-08-2021

Acts Referred:

Code Of Civil Procedure, 1908 — Section 24

Citation : (2021) 08 RAJ CK 0013

Hon'ble Judges : Rameshwar Vyas, J

Bench : Single Bench

Advocate : Man Singh Meena, Mukesh Mehra

Final Decision : Disposed Of

Judgement

Rameshwar Vyas, J

The instant transfer petition under Section 24 of the Code of Civil Procedure seeking transfer of Case No. 61/2020: Vikram Vs. Rekha pending before the learned Civil Judge, Mahwa, District Dausa to any Court of Gangapur, District Sawai Madhopur has been filed by petitioner-wife.

It is averred in the application that the husband of the petitioner filed a suit for dissolution of marriage and declaration of permanent injunction in the Court of Mahwa, whereas petitioner is residing with her parents at Teshil Gangapur, District Swai Madhopur. It is submitted that petitioner has been treated with cruelty by her husband. It is further submitted that the respondent has alleged false and frivolous allegations against the petitioner just to harass and humiliate her, who is an unemployed woman. It is also submitted that the respondent is a very influential person and petitioner is being threatened to follow dire consequences if she attends the Court at Mahuwa. It is further submitted that there is an apprehension to the life and liberty of the petitioner, therefore, in the interest of justice, the case pending in the Court of Mahuwa may be transferred to any competent Court of Gangapur.

No reply has been filed by the learned counsel for the respondent.

Heard learned counsel for the parties and perused the material available on record.

In the considered opinion of this Court the litigation pending between the parties relates to dissolution of marriage which has been filed before the Civil Judge Mahuwa, District Dausa. Prima facie it seems that question of jurisdiction is involved in this case. Hence, petitioner may raise the question of jurisdiction at Mahuwa. It has to be decided at preliminary stage that whether the Court of Civil Judge Mahuwa is competent to pass decree for dissolution of marriage.

In the above circumstances, there is no need to transfer the petition seeking dissolution of marriage pending in the Court of Civil Judge Mahwa, District Dausa. Once it is decided that Court of Civil Judge Mahwa is competent to pass the decree in the present suit then petitioner has liberty to file fresh transfer petitioner if so advised.

Accordingly, this Civil Transfer Petition is disposed of.