

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Transfer Application No. 34/2021

Smt. Sumitra Rawat D/o Shri Bal Singh W/o Shri Ummed Singh, Aged About 36 Years, R/o Shanti Sadan, Balaji Nagar, Makadwali, Vaishali Nagar, Ajmer. Working At Infosys Sez Mahindra World City Mahapura, Jaipur, District Jaipur.

----Petitioner

Versus

Shri Ummed Singh S/o Shri Narayan Singh, R/o H No. 07, Near Madhukar Nagar Jain Gurukul, Udaipur Road, Beawar, District Ajmer.

----Respondent

For Petitioner(s) : Smt. Sumitra Rawat, present in person

For Respondent(s) : Shri Ummed Singh, present in person

HON'BLE MR. JUSTICE SAMEER JAIN

Order

28/02/2023

1. This transfer application has been filed by the applicant-wife under Section 24 read with Section 151 of the Code of Civil Procedure seeking transfer of Application No. 163/2019 titled as Ummed Singh Vs. Smt. Sumita filed by the non-applicant-husband under Section 13 of the Hindu Marriage Act, 1955 from the court of Additional District and Session Judge No. 1, Beawar to Family Court, Ajmer.

2. Applicant-wife has prayed for the transfer of the case, primarily on the following grounds:

(i) That the applicant is residing at Ajmer and has to travel to Jaipur frequently for work.

(ii) That multiple cases arising out of the same matrimonial dispute, including case under Section 12 of the Protection of Women from Domestic Violence Act, 2005 among others, are also pending adjudication in Ajmer.

(iii) That the applicant does not have the infrastructural support, in terms of family members, who can accompany her to court proceedings, pending in Beawar.

(iv) That the applicant has the responsibility to look after her minor child.

3. *Per contra*, non-applicant-husband has vehemently opposed the present transfer application.

4. Considering the contentions put forth by the parties, present in person, and considering the fact that multiple proceedings arising out of the same matrimonial dispute are pending adjudication in District Ajmer; that the applicant is presently residing in District Ajmer; that the applicant does not have the infrastructural support in terms of family members who can accompany her to court proceedings pending in Beawar; that the applicant has the responsibility to look after her minor child aged; considering the provisions of Section 19 of the Hindu Marriage Act and relying upon the judgments of the Apex Court in **N.C.V. Aishwarya vs. A.S. Saravana Karthik Sha: Civil Appeal No. 4894/2022, Sumita Singh Vs. Kumar Sanjay & Ors.: AIR 2002 SC 396, Rajni Kishor Pardeshi Vs. Kishor Babulal Pardeshi: (2005) 12 SCC 237**, and **Vaishali Shridhar Jagtap Vs. Shridhar Vishwanath Jagtap: AIR 2016 SC 3584**, this Court deems it just and proper to transfer the Application No.



163/2019 from the court of Additional District and Session Judge No. 1, Beawar to Family Court, Ajmer.

5. Accordingly, the present transfer application is allowed. The Application No. 163/2019 be transferred from the court of Additional District and Session Judge No. 1, Beawar to Family Court, Ajmer.

6. Both parties are directed to appear before the transferee court on 20.03.2023. By that time, the record of the case be transmitted to the transferee Court by the Court concerned. It is made clear that if any of the parties would not appear on the date fixed by this Court, the transferee court would be at liberty to proceed in accordance with law.

7. It is expected that the transferee court shall dispose of the matter as expeditiously as possible; preferably within the prescribed time period as stipulated in the Act.

8. Stay application and other pending applications, if any, stand disposed of.

(SAMEER JAIN),J

Pooja /18