

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

AT JODHPUR

:: ORDER ::

S.B. Civil Misc. Transfer Petition No.110/2014

Smt. Vijeta Singh Vs. Narveer Singh

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Date of Order ::::: **Wednesday 15th April, 2015.**

P R E S E N T

HON'BLE Dr. JUSTICE VINEET KOTHARI

Appearance:

Dr. Shailendra Kala, for the petitioner-wife.

Mr. Shreyansh Mardia, for the respondent-husband.

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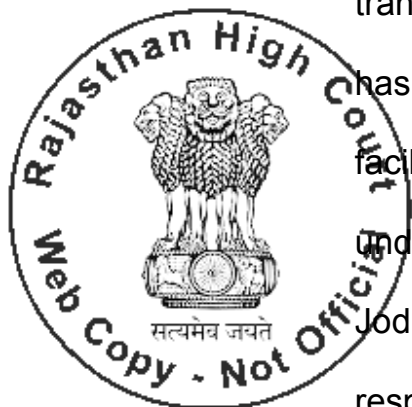
BY THE COURT (ORAL):

1. In the present misc. transfer application, by the order of this Court dated 08.12.2014, the matter was referred to the Mediation Centre, however, nobody appeared on behalf of respondent/husband before the learned Mediator on 17.12.2014, although petitioner/wife appeared with her counsel, therefore, the mediation talks for restitution of matrimonial home could not take place.

2. The present transfer application has been filed by the petitioner-wife seeking transfer of the proceedings under Section 9 of the Hindu Marriage Act, 1955 seeking restitution of conjugal rights filed by the respondent-husband, Narveer Singh



Solanki, pending before learned District Judge, Sirohi, being Misc. Case No. 27/2014- Narveer Singh Vs. Smt. Vijeta Singh, from to the Family Court No.1, Jodhpur. The reason seeking transfer of the case filed by the respondent-husband at Sirohi has been stated that (i) the petitioner-wife has no residential facility at Sirohi, (ii) the petitioner-wife has filed an application under Section 125 Cr.P.C. for maintenance at Family Court No.1, Jodhpur, and to avoid any payment of maintenance, the respondent/husband has filed application u/s 9 of H.M. Act for restitution of conjugal rights, therefore, it was prayed that in the interest of justice and proper adjudication of the case, the case/proceedings initiated by the respondent-husband may be ordered to be transferred to the Family Court at Jodhpur.



3. The learned counsel Mr. Shreyansh Mardia, appearing for the respondent-husband opposed the transfer of Petition filed by the respondent-husband under Section 9 of the Hindu Marriage Act, 1955 from District Judge, Sirohi to the Family Court at Jodhpur.

4. In the interest of justice, this Court is of the opinion that the Petition filed by the respondent-husband-Narveer Singh, deserves to be transferred to the Family Court at Jodhpur for its proper adjudication so that the petitioner-wife can defend her case.

5. Accordingly, the present transfer application filed by the petitioner-wife is allowed. Consequently, it is directed that

the pending proceedings filed under Section 9 of the Hindu Marriage Act, 1955 by the respondent-husband viz. **Misc. Case No.27/2014- Narveer Singh Vs. Smt. Vijeta Singh** pending before the District Judge, Sirohi, are directed to be transferred to the Family Court at Jodhpur. No orders as to costs. A copy of this order be sent to the Court concerned and both the parties concerned forthwith.



(Dr. VINEET KOTHARI), J.