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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Transfer P. (C) No.12 of 2010

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23.02.2010

ARJU RANI

.....Petitioner

Through: Mr. Ravindra Narayan, Advocate.

versus

SANJEEV KUMAR

.....Respondent

Date of Reserve: 11th February, 2010

Date of Order: February 23, 2010

JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

J U D G M E N T

1. This petition under Section 22 read with Section 151 CPC has been made for transfer of petition filed by the respondent herein from Rohini Courts to Karkardooma Courts. It is submitted that the petitioner herein was living in Nand Nagri i.e. within North-East District however, respondent has filed a matrimonial case against her in Rohini Courts creating jurisdiction of Rohini Courts. She submitted that the marriage also took place at Nand Nagri. The petitioner had been living at her parent's house at Nand Nagri and thus, Karkardooma Courts alone will have jurisdiction.

2. I consider that in case the petitioner considers that the court where petition filed by the respondent was pending had no jurisdiction, the appropriate step to be taken by the petitioner was to move an application before the court concerned for return of the suit on

the ground of lack of jurisdiction. The petition under Section 22 CPC would not lie before this court.

3. The other ground taken by the petitioner is about difficulty which she had to face in travelling from Nand Nagri to Rohini for attending the proceedings. I consider that this is no ground for transfer of the petition. The petitioner can make appropriate application before the court concerned for grant of litigation expenses including the expenses for her travelling.

4. The petition is hereby dismissed.

SHIV NARAYAN DHINGRA J.

FEBRUARY 23, 2010
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