

\$~6&10

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) No.1836/2002, IA No.10426/2016 (under Order XVI Rule 3
CPC) and IA No.10427/2016 (under Section 151 CPC).

MAMTA BHARDWAJ Plaintiff

Through: Mr. Parimal Chakraborty, Adv.

versus

VINOD KUMAR BHARDWAJ & ANR. Defendants

Through: Mr. Sanjeev Salwan, Adv.

AND

EX.P. No.87/2005, EA No.601/2016, EA No.417/2015 (both of the
decree holder under Section 151 CPC) and EA No.850/2015 (of the
judgment debtor under Order VII Rule 10 read with Section 8 of
Family Courts Act).

MAMTA BHARDWAJ Decree Holder

Through: Mr. Parimal Chakraborty, Adv.

versus

VINOD KUMAR BHARDWAJ & ORS Judgement Debtors

Through: Mr. Sanjeev Salwan, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

%

19.12.2016

1. CS(OS) No.1836/2002 was filed in the year 1997 by the plaintiff as an indigent person under Sections 18 and 20 of the Hindu Adoption and Maintenance Act, 1956 for recovery of maintenance of Rs.10,000/- per month from the defendants.
2. On 22nd November, 1999, an order of interim maintenance was passed but as per order dated 8th February, 2002 not complied with. Finally, vide order dated 24th September, 2002, the plaintiff was found to be an indigent person and vide order dated 11th November, 2002, the suit ordered to be registered.

3. On change in pecuniary jurisdiction of this Court, the suit was vide order dated 17th September, 2003 transferred to the District Court.
4. However, vide order dated 4th August, 2004 in CCP No.117/2000 arising out of the suit, the suit record was again requisitioned to this Court in exercise of powers under Section 24(b) of the Code of Civil Procedure, 1908 (CPC).
5. On 27th August, 2007, issues were framed in the suit and the counsel for the plaintiff states that the plaintiff has only partly recorded her evidence.
6. On change yet again of the pecuniary jurisdiction of this Court, the suit was again vide order dated 18th January, 2016 transferred to the District Judge (South), Saket Courts.
7. However the learned District Judge (South) has vide order dated 25th May, 2016 again transferred the suit to this Court for transfer to the Family Court.
8. As per *Amina Bharatram Vs. Sumant Bharatram* AIR 2016 Del 171 (DB) issued by this Court, the suits falling within the jurisdiction of the Family Court, as defined in Section 7 of the Family Courts Act, 1984, are to be transferred to the Family Court.
9. As per Section 7(1) Explanation 'f' of the Family Courts Act, "a suit or proceeding for maintenance" would fall within the jurisdiction of the Family Court.
10. Thus, notwithstanding the power earlier exercised under Section 24(b) of the CPC, the suit is to be transferred to the Family Court.

11. The counsel for the plaintiff states that the suit be transferred to the Family Court at Karkardooma Courts Complex, Delhi – 110 032 as the plaintiff is residing at Ghaziabad and the Karkardooma Court is most convenient to her.

12. The counsel for the defendant (the defendant is the husband of the plaintiff) has no objection.

13. Hence, CS(OS) No.1836/2002 as well as Execution Petition No.87/2005 arising therefrom are transferred to the Principal Judge, Family Court, Karkardooma Courts Complex, Delhi.

14. The parties to appear before the Principal Judge, Family Court, Karkardooma Courts Complex, Delhi on 24th January, 2017.

RAJIV SAHAI ENDLAW, J

DECEMBER 19, 2016

‘pp’..