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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 836/2016
VIDYAWATI BATRA

..... Petitioner
Through Mr. Anshul Gupta, Mr. Anirudh
Shukla, Mr. Abhinav Jawla and Mr.
M. K. Mehta, Advocates

versus

SANJEEV BATRA & ANR

..... Respondents
Through Mr. Ravinder Singh and Ms.
Raveesha Gupta, Advocates for R-2

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER
% **21.10.2016**

Counsel for the petitioner has placed reliance upon the judgment of Bench of this Court reported as 167 (2010) DLT 58 reported as Manita Khurana Vs. Indra Khurana to support his submission that an injunction suit filed by her mother in law against her daughter in law would not be covered within the ambit of section 7(1)(d) of the Family Court Act, 1984. This submission is well found and the ratio of the afore noted judgment thus annunciates this proposition. Accordingly, the order dated 16.08.2014 in the afore noted civil suit no. 109/2014 titled as *Vidhyawati Batra Vs. Sanjeev Batra & Anr*, which had been transferred to Civil Court Judge to the Family Court Judge is set aside. This suit should be tried simplicitor

as a simple suit and cannot lie before the Family Court. Accordingly, Family Court Judge, Central District, Tis Hazari Court will ensure that the suit is transferred back to the original Court i.e. Court of Civil Judge. Accordingly, parties are directed to appear before the Family Court Judge on 15.12.2016, the date already fixed before the learned Family Judge who shall accordingly send the file to the Court of concerned District Judge in order that it may be retransferred to the Court of Civil Judge. The Civil Judge will ensure to dispose of this suit expeditiously within an outer limit of one year as this Court has been informed that the plaintiff in that civil suit is aged about 87 years.

Petition disposed of.

INDERMEET KAUR, J

OCTOBER 21, 2016

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