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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CS(OS) 1703/2014 & CC 67/2014 & IA Nos.10864/2014,
19711/2014 and 5269/2015

KAUSHAL GUPTA AND ANR Plaintiffs
Through: Ms. Prachi V. Sharma, Advocate

versus

NAGMA GUPTA AND ANR Defendants
Through: Mr. Dipendera Singh Kamra, Advocate
for D-1
Mr. Attin Shankar Rastogi, Ms. Pooja Rastogi and
Ms. Ashita Chhibher, Advocates for D-2

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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28.02.2017

Heard. The learned counsel on all sides now fairly concede that pursuant to the decision of a Division Bench of this court dated 19.07.2016 in *CS (OS) 411/2010 and IA 12186/2010, titled Amina Bharatram Vs. Sumant Bharatram and Ors.* consequent whereto practice directions were issued with the approval of Hon'ble the Chief Justice vide no.45/DHC dated 23.12.2016, this case filed by parents of the second defendant and parents-in-law of the first defendant, she being the wife of the second defendant, seeking reliefs in the nature of mandatory and permanent injunction with regard to property described as B-36, Ashok Vihar, Phase-1, Delhi which the plaintiffs claim to be their exclusive property, the dispute having arisen out of a marital relationship within the meaning of the expression used in clause (d) of explanation appended to Section 7(1) of the Family Courts Act, 1984, is liable to be transferred to the file of the Family Court.

Needless to add, the counter claim filed by the first defendant (CC 67/2014) and all pending applications shall also have to be transferred alongside to the same forum.

Given the description of the parties and the location of the suit property, the learned counsel on all sides further fairly concede that the jurisdiction would vest in the Family Courts for the District Court of North-west at Rohini.

Therefore, the case, alongwith the counter claim and pending applications, is transferred to the file of the Principal Judge, Family Courts (North-west) at Rohini Courts Complex for further proceedings in accordance with law. The parties are directed to appear before the transferee court on 22.03.2017.

The Principal Judge, Family Courts may, in his discretion, retain the file on his own board or make it over to any other Judge under his administrative control.

The Registry to take appropriate steps so that the file reaches the transferee court in time.

R.K.GAUBA, J

FEBRUARY 28, 2017

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CS(OS) 1703/2014

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