Sr. No. 11

HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU

CTA No. 11/2018
IA(1/2018)

Seema Malik …Applicant/Petitioner(s)

Through :- Mr. M. I. Sherkhan, Advocate.

V/s

Javed Saleem Bhat …..Respondent(s)

Through :- None.

Coram: **HON'BLE THE CHIEF JUSTICE**

ORDER

01. On 2nd December 2019, the court notice was directed to issue for the service of counsel for the parties as there was no appearance.

02. The Registry has reported that the notices issued to counsels have been received back duly served.

03. Despite this position, counsel for the respondent is not present.

04. By way of the instant application, the applicant has sought transfer of petition titled '*Javed Saleem Bhat v. Seema Malik and others'* filed by the respondent herein before the court of learned Munsiff, Ganderbal, for restitution of conjugal rights. The applicant has prayed for transfer of these proceedings to a court of competent jurisdiction at Jammu for the reason that she is residing at Jammu and does not have any means to contest the matter at Ganderbal.

05. The applicant has complained that she has threat to her life if she went to District Ganderbal to contest the proceedings. The applicant has no source of income and is dependent on her father, a retired employee, who is stated to be

senior citizen and also not well. Additionally, the applicant submits that the daughter born from the wedlock is in her custody and it is difficult for the applicant to contest the proceedings in District Ganderbal.

06. One more important fact which is brought to my notice by Mr. M. I. Sherkhan, learned counsel for the applicant, is that the applicant has invoked the jurisdiction under the Jammu and Kashmir Protection of Women From Domestic Violence Act 2010, in the court of Municipal Magistrate, Jammu and the respondent is contesting the said proceedings in Jammu.

07. On a consideration on entirety of the above noted facts, it would appear that interest of justice merit that the proceedings in the case titled 'Javed *Saleem Bhat v. Seema Malik and others'* pending before the court of learned Munsiff, Ganderbal, are transferred for trial and adjudication to the court of competent jurisdiction in District Jammu. It is so ordered.

08. The Principal District Judge, Ganderbal, shall forthwith ensure that the transfer of the record of the case to the Principal District Judge Jammu who shall place the same before the competent court at Jammu.

09. The court assigned the case shall issue notice to the parties in the case before proceeding in the matter.

This transfer application is allowed in the above terms.

(GITA MITTAL)
CHIEF JUSTICE

Jammu
03.02.2020
Sunita

SUNITA KOUL
2020.02.06 10:31
I attest to the accuracy and
integrity of this document