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

+ **TR.P.(C.) 200/2023 and CM APPL. 64750/2023**

HARVINDER KAURPetitioner

Through: Mr. Viney Sharma, Adv.

versus

HARDEV SINGH DHALIWALRespondent

Through: Mr. Pushp Saini and Mr. Rachit Sehajpal, Advs.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **04.11.2024**

1. The instant petition has been filed for the following relief:-

“ It is therefore most respectfully prayed to Hon ble court to kindly transfer the present suit vide C.S. No. 220/2021 in a case title as Harvinder Kaur V/s Hardev Singh pending before the court of Sh. Sunil Chaudhary, ADJ, North-West, Rohini Court, Delhi to Family Court, District North-West, Rohini Court, Delhi, in the. interest of justice”

2. The dispute in the instant suit relates to a claim of possession & recovery of *mesne* profits by the petitioner- wife against the respondent - husband with respect to the suit property, i.e, a shop. Evidently, the nature of the suit is not matrimonial and does not attract the exclusive jurisdiction as prescribed under Section 7 of the Family Courts Act, 1984. The mere existence of a matrimonial relationship amongst parties may not be sole determinative factor for exercising the powers under Section 24 of the Code of Civil Procedure, 1908 and transferring the matter from a Civil Court to a Family Court.



3. Having perused the provisions of the Section 7 of the Family Courts Act, 1984 and the nature of prayer sought in the Civil Suit pending before the ADJ, this Court is of the considered opinion that the suit in question can be adjudicated by the Court, where it is currently pending.

4. In view of the above reasons there is no ground to direct the transfer of the C. S. No. 220/2021. Accordingly, the instant transfer petition stands dismissed.

PURUSHAINDRA KUMAR KAURAV, J

NOVEMBER 4, 2024

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