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

+ **TR.P.(C.) 206/2024**

LALIT MOHAN

.....Petitioner

Through: Mr. Rachit Batra, Adv.
versus

SHAILENDER

.....Respondent

Through: Mr. Bharat Sharma, Adv. through Vc.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

20.04.2026

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1. This hearing has been done through hybrid mode.

CM APPL. 25575/2026 (recalling of orders)

2. The present application under Section 151 of the CPC seeks the following prayers:

“A. Recall the order dated 12.01.2026 passed in Transfer Petition (C) 206/2024 and hear the petition on merits afresh.

B. Any other order in the interest of Justice.”

3. Learned counsel appearing on behalf of the petitioner submits that the captioned petition was filed on account of the fact that the respondent had moved an application under Order 7, Rule 11 of the CPC before the learned Family Court. The petition was disposed of on 12.01.2026 in the following manner:

“1. This hearing has been done through hybrid mode.

2. The present petition under Section 24 of the CPC seeks the following prayers:-



“I. Pass an order transferring divorce petition filed under Section 13 (1) (ia) of Hindu Marriage Act from the Court of Sh. Devender Kumar, Ltd. Principal Judge, Family Court, District Shahdara, Karkardooma Courts, Delhi to the Ld. Principal Judge, Family Court, District East, Karkardooma Courts in the interest of justice and saving precious judicial time.

II. Pass such Further orders which this Hon’ble Court may deems fit and proper in the facts and circumstances of the case in the interest of justice.”

3. It is pointed out that an application under Order VII Rule 11 CPC read with Section 151 of the CPC has already been preferred by the respondent and the same is still pending before the learned Family Court with the following prayer:-

“In the circumstances mentioned above it is therefore be prayed that your honour be pleased to reject the plaint as provided for under the provision of order 7 rule 11 of cpc. And to pass such other order as deemed fit and proper, in the interest of justice.”

4. In view of the above, the present petition is disposed of with a request to the learned Family Court to decide the application under Order VII Rule 11 CPC filed on behalf of the respondent as expeditiously as possible.

5. The present petition is disposed of.

6. The rights and contentions of the parties are left open.

7. Pending application, if any, also stands disposed of.”

4. It is the contention of the learned counsel for the petitioner that although the nomenclature of the application is under Order 7, Rule 11 of the CPC, however the only objection raised by the respondent is with respect to the territorial jurisdiction.



5. In these circumstances, it is submitted that in case the learned Family Court is of the opinion that the jurisdiction is not made out, then the plaint may be returned to the petitioner which would cause serious prejudice.
6. Learned counsel appearing on behalf of the respondent enters appearance and submits that till date no reply has been filed by the petitioner to the application filed on behalf of the respondent before the learned Family Court.
7. Be that as it may, with the consent of the parties, the following directions are being passed:
- i) The petitioner shall file a reply raising the aforesaid contention(s) before the learned Family Court.
 - ii) If the learned Family Court is of the considered opinion that the jurisdiction is not made out then the reasonable opportunity will be given to the petitioner to move to this Court under Section 24 of the CPC.
8. In view of the above, the present application is disposed of with the aforesaid directions.

AMIT SHARMA, J

APRIL 20, 2026/kr/ah