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

+ **TR.P.(C.) 208/2024**

SH. NITIN CHOPRA

.....Petitioner

Through: **Mr. Prateek Jindal, Advocate.**
versus

SMT. GEETA CHOPRA

.....Respondent

Through: **Ms. Meghna, Advocate (through VC).**

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **11.02.2026**

1. This hearing has been done through hybrid mode.
2. The present petition under Section 24 read with Section 151 of the Code of Civil Procedure, 1908 has been filed on behalf of the petitioner seeking the following prayers: -

“It is, therefore, respectfully prayed that this Hon'ble Court may kindly be pleased to :-

a. Transfer of the civil suit bearing CS No. 2/22 titled as Nitin Chopra Vs. Geeta Chopra pending before the Hon'ble Court of Sh. Kuldeep Narayan, Ld. Judge, Family Court-02, South East, Saket Courts, New Delhi to the Hon'ble Court of Senior Civil Judge, South East District, Saket Courts, New Delhi; and

b. Pass any other order which this Hon'ble Court deem fit and proper under the facts and circumstances of the case may kindly be passed in favour of the Petitioner and against the Respondent.”

3. By way of the present petition, the petitioner is seeking transfer of civil



suit bearing **CS No. 2/2022** titled as “Nitin Chopra vs. Geeta Chopra”, pending before the learned Judge, Family Court-02, South East District, Saket Courts, New Delhi, to the competent Court of civil jurisdiction, South East District, Saket Courts, New Delhi.

4. Learned counsel for the petitioner submits that during the matrimony, the parties jointly purchased a property, with the respondent as the primary borrower for a home loan. It is submitted that the petitioner primarily repaid the home loan EMIs until the respondent withdrew from their marriage in December 2018. The petitioner requested the respondent to transfer the property in his name, however, the respondent did not do the same, pursuant to which, the petitioner instituted a civil suit, **CS No.2/2022**, for declaration, permanent and mandatory injunction, before the learned Family Court, South-East District, Saket Court, New Delhi, seeking the property transfer. It is further submitted that learned Division Bench of this Court in **Geeta Anand v. Tanya Arjun & Anr., 2024 SCC OnLine Del 2327: (2024) 309 DLT 333 (DB): 2024:DHC:2637-DB**, has, *inter alia*, held that Civil Courts have jurisdiction over property ownership disputes arising from matrimonial relationships as the core of said disputes exists independently in civil law and Family Courts do not exercise exclusive jurisdiction over such disputes. It is further submitted that on this basis, the present petition may be transferred from the Family Court to the Civil Court.

5. Learned counsel appearing on behalf of the respondent submits that she has no objection, if the present petition is allowed and civil suit seeking the property transfer is transferred from the Family Court to the Civil Court of competent jurisdiction.

6. In **Geeta Anand (supra)**, the learned Division Bench of this Court,



while answering a reference, made by learned Coordinate Bench of this Court, had observed and held as under: -

“Answering the reference

44. Accordingly, the present reference is answered as under:

(a) Whether a suit for possession/injunction filed by the in-laws of the defendant or either of them, claiming themselves or either of them to be the exclusive owner of the property of which the possession is sought or with respect to which injunction is prayed for from or against the defendant daughter-in-law, is to be tried exclusively by the Family Court established under the Act, and the jurisdiction of the civil court is barred?

Answer to question (a):

Each of the categories under Section 7(1)(a) of the Act are undoubtedly civil in nature. Since the principal question therein relates to a civil right, there is no gainsaying that when claim is made about ownership rights and relief is sought in the nature of possession or injunction and/or damages, such legal rights are to be considered de hors the matrimonial relationship. The proprietorship rights or ownership rights to immovable property are not integral to maintaining the matrimonial relationship. Such rights may be claimed as against a third person or anyone in the family or for that matter somebody connected through matrimonial relationship.

Indeed, when it comes to a dispute as between mother-in-law and/or father-in-law on the one side and their estranged daughter-in-law on the other side, the claim of proprietorship or ownership of a property and thereby seeking relief in the nature of possession and/or injunction by its very nature incidentally indicates a matrimonial relationship, but such relationship is not a foundational fact so as to lay a claim. **Such relationship is not at the core of the dispute but exists independently in civil law, and thus, the Family Courts do not exercise exclusive jurisdiction over such disputes and as an inevitable corollary the jurisdiction of civil courts is not barred.**

(b) Whether the impleadment or non-impleadment of the husband or the defendant son of the plaintiff has an effect on the maintainability



of such a suit before a civil court?

Answer to question (b):

In light of our answer to question (a), the answer to this question would necessarily have to be in the negative. The mere impleadment or non-impleadment of the husband or the defendant son of the plaintiff would not be determinative of the question relating to the jurisdiction of the Family Court. The joinder or non-joinder of parties would have to be considered in light of the plethora of case law which already exists on that issue. Ultimately and irrespective of whether a husband is joined or not, the jurisdiction of the Family Court would have to be ascertained based on the cause of action and whether that is founded on the marital relationship or has a mere casual or incidental connection to the cause.”

(emphasis supplied)

7. In the suit, **CS No.2/2022**, instituted on behalf of the petitioner before learned Family Court-02, South-East District, Saket Court, New Delhi, following reliefs have been sought: -

“(a) Pass a Decree of declaration in favour of the Petitioner and against the Respondent thereby declaring the Petitioner as sole and absolute owner of the suit property i.e. property bearing no. 3-B, Pocket-F, Mayur Vihar, Phase-III, Delhi-110091, more specifically shown in RED colour in the site plan and also to the extent that the Respondent has no right, title and interest of whatsoever nature in the suit property; and

(b) Pass a decree of mandatory injunction in favour of the Petitioner and against the Respondent thereby directing the Respondent for executing the sale deed in respect of her half share without consideration, in favour of the Petitioner, in respect of the suit property i.e. property bearing no. 3-B, Pocket-F, Mayur Vihar, Phase-III, Delhi-110091, more specifically shown in RED colour in the site plan; and

(c) Pass a decree of permanent injunction in favour of Petitioner and against Respondent thereby restraining the Respondent, her legal heir, successors, nominees, assignee; agents, attorney or any other person



acting on her behalf in any capacity from selling, alienating, mortgaging, gifting, letting, parting with possession of creating third party interest of whatever nature in respect of the suit property i.e., property bearing no. 3-B, Pocket-F, Mayur Vihar, Phase-III Delhi-110091, more specifically shown in RED colour in the site plan; and

(d). Award throughout cost of the suit alongwith pleader's fees in favour of the Petitioner and against the Respondent; and

(e) Pass any other or further order which this Hon'ble Court deems fit, proper & expedite in favour of Petitioner, in the interest of justice.”

8. In view of the judgment of the learned Division Bench in **Geeta Anand (supra)**, the subject suit filed on behalf of the petitioner/plaintiff seeking reliefs of declaration and injunction, as noted hereinabove, can be tried by a Civil Court.

9. The property regarding which the aforesaid suit has been filed by the petitioner-plaintiff is situated at 3-B, Pocket-F, Mayur Vihar, Phase-III, Delhi-110091.

10. In view of aforesaid, the present petition is partly allowed.

11. Suit, **CS No.2/2022**, instituted on behalf of the petitioner before learned Family Court-02, South-East District, Saket Court, New Delhi, is transferred and directed to be placed before learned Principal District and Sessions Judge, East District, Karkardooma Courts, Delhi, for assigning the same to the Court of competent jurisdiction.

12. Let the records of the said case be transferred within a period of 10 days.

13. Copy of the order be sent to the learned Family Court-02, South-East District, Saket Court, New Delhi, as well as learned Principal District and Sessions Judge, East District, Karkardooma Courts, Delhi, for necessary



information and compliance.

14. Order be uploaded on the website of this Court, *forthwith*.

AMIT SHARMA, J

FEBRUARY 11, 2026/kr/ns