

Smt. Davinder Vs. Inderjit

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SooperKanoon Citation : sooperkanoon.com/511834

Court : Madhya Pradesh

Decided On : Jul-04-2002

Reported in : II(2003)DMC252

Judge : A.K. Gohil, J.

Acts : [Code of Civil Procedure \(CPC\) , 1908](#) - Sections 24; [Code of Criminal Procedure \(CrPC\) , 1973](#) - Sections 125; [Hindu Marriage Act, 1955](#) - Sections 9

Appeal No. : Misc. Civil Case No. 512 of 2000

Appellant : Smt. Davinder

Respondent : Inderjit

Advocate for Def. : M.K. Jain, Adv.

Advocate for Pet/Ap. : S.A. Mev, Adv.

Judgement :

ORDER

A.K. Gohil, J.

1. This is a transfer application Under Section 24 of the Code of Civil Procedure. The applicant/wife is praying the transfer of subsequent suit filed by the non-applicant for divorce before the Court of Ujjain which is pending as a Civil Suit No.

58-A/2000 (Shri Jain submits that the same has been transferred to Family Court, Ujjain).

2. Mr. Mev submits that his two cases are already pending since 1999 before Indore Court, one for claiming maintenance Under Section 125 of the Code of Criminal Procedure and another Under Section 9 of the Hindu Marriage Act for restitution of conjugal rights. Therefore, his submission is that the suit for divorce subsequently filed by the non-applicant at Ujjain be transferred to the Family Court at Indore as the non-applicant is already defending two cases. The applicant is a lady and two children of the non-applicant is also residing with the lady applicant.

3. I have heard learned Counsel for parties and considered the rival submissions. In view of the fact that two cases are already pending in the Indore Court since 1999 and the suit which had been filed before the 3rd Addl. District Judge, Ujjain was filed subsequently. Thus, looking to the facts and features of the case and in the interest of justice, this application is allowed. The suit pending now before the Family Court, Ujjain shall be treated as transferred to the Family Court, Indore. It is further directed that the Family Court, Indore shall decide the suit along, with other proceedings expeditiously and within a period of six months from today. Parties to the proceeding shall appear before the Family Court at Indore on 26.8.2002.

4. With the aforesaid direction, this application is finally disposed of with no order as to costs.