# HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Civil Transfer Appl. No. 9/2023

Farzana Bano W/o Mohammad Rizwan, Aged About 21 Years, D/o Mohamamd Farook, R/o Khawaja Nagar Colony, Ward No. 40 Merta City, Tehsil Merta, Distt. Nagaur.

----Petitioner

### Versus

Mohammad Rizwan S/o Shri Lal Mohammad, R/o Raza Nagar, Gali No. 4, Ward No. 60, Maderna Colony, Jodhpur. (Rajasthan)

----Respondent

# **Connected With**

S.B. Civil Transfer Appl. No. 8/2023

Mehrun Bano W/o Mohammad Ismile, Aged About 20 Years, D/o Mohamamd Farook, R/o Khawaja Nagar Colony, Ward No. 40 Merta City, Tehsil Merta, Distt. Nagaur.

----Petitioner

#### Versus

Mohammad Ismile S/o Shri Lal Mohammad, R/o Raza Nagar, Gali No. 4, Ward No. 60, Maderna Colony, Jodhpur. (Rajasthan)

----Respondent

For Petitioner(s) : Mr. Sikander Khan

For Respondent(s) : Mr. Sanjay Bishnoi for Mr. Aziz Khan

# HON'BLE MR. JUSTICE MADAN GOPAL VYAS <u>Judgment</u>

# 19/08/2023

The present transfer petitions under Section 24 of CPC have been preferred by the petitioner-wives for transferring the case Nos. 488/2022 (Mohd. Rizwan Vs. Smt. Farzana Bano) and 487/2022 (Mohd. Ismile Vs Smt. Mehrun Bano) preferred by the respondents herein for restitution of conjugal rights read with



Section 7 of the Family Courts Act from Family Court No.1, Jodhpur to Family Court Merta, District Nagaur.

- 2. Learned counsel for the petitioner submits that the petitioners have preferred applications under Section 125 of Cr.P.C. before the Family Court, Merta, District Nagaur and another application under Section 12 of the Domestic Violence Act before the court of ACJM No.2, Merta and the same are pending consideration before the aforesaid Courts. However, in order harass and humiliate the petitioner, the respondents have preferred applications for restitution of conjugal rights before the learned Family Court No.1, Jodhpur. Thus it is prayed that applications for restitution of conjugal rights may be transferred from Family Court No.1, Jodhpur to Family Court, Merta, District Nagaur.
- 3. Learned counsel appearing for respondents opposes the prayer made by the learned counsel for the petitioners.
- The Hon'ble Supreme Court in the case of Vinisha Jitesh Tolani @ Manmeet Laghmani vs Jitesh Kishore Tolani 2010(1) WLC (SC) 705 has observed that in the matrimonial proceedings initiated by the husband against the wife the convenience of the wife has to be considered for contesting the suit, and accordingly the matrimonial proceedings ought to be transferred where the wife is residing.
- Having regard to the facts and circumstances of the case, this Court deems it appropriate to transfer the applications for restitution of conjugal rights from Family Court No.1, Jodhpur to the Family Court, Merta, District Nagaur.

- [CTA-9/2023]
- 6. The transfer petitions are allowed accordingly.
- 7. It is ordered that the case Nos.488/2022(Mohd. Rizwan Vs. Smt. Farzana Bano) and 487/2022 (Mohd. Ismile Vs Smt. Mehrun Bano) pending before the Family Court No.1, Jodhpur be transferred to the Family Court, Merta, District Nagaur.
- 8. The learned Family Court No.1, Jodhpur is directed to send the record of the case to Family Court, Merta, District Nagaur.
- 9. Both the parties are directed to appear before Family Court, Merta, District Nagaur on 4.9.2023.
- 10. Learned Family Court, Merta, District Nagaur is directed to expedite the trial of the case preferably within a period of six months from today.

(MADAN GOPAL VYAS),J

78-79-CPGoyal/-