

7726-798 **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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No. \_\_\_\_\_/DHC/Gaz/G-2/SC-Judgment/2024

Dated: 03<sup>rd</sup> February, 2024.

From:

The Registrar General,  
High Court of Delhi,  
New Delhi-110003.



To:

1. The Principal District & Sessions Judge (HQ), Tis Hazari Courts Complex, Delhi.
2. The Principal District & Sessions Judge (New Delhi), Patiala House Courts Complex, New Delhi.
3. The Principal District & Sessions Judge (North-West), Rohini Courts Complex, Delhi.
4. The Principal District & Sessions Judge (South-West), Dwarka Courts Complex, New Delhi.
5. The Principal District & Sessions Judge (West), Tis Hazari Courts Complex, Delhi.
6. The Principal District & Sessions Judge (East), Karkardooma Courts Complex, Delhi.
7. The Principal District & Sessions Judge (South), Saket Courts Complex, New Delhi.
8. The Principal District & Sessions Judge (Shahdara), Karkardooma Courts Complex, Delhi.
9. The Principal District & Sessions Judge (North-East), Karkardooma Courts Complex, Delhi.
10. The Principal District & Sessions Judge (North), Rohini Courts Complex, Delhi.
11. The Principal District & Sessions Judge-cum-Special Judge (RC Act) (CBI), RACC, New Delhi.
12. The Principal District & Sessions Judge (South-East), Saket Courts complex, Delhi.
13. The Principal Judge (HQ), Family Courts, Dwarka, New Delhi.

Sub: Order dated 10.01.2024 passed by Hon'ble Supreme Court of India in Transfer Petition (Civil) No. 1957 of 2023 titled as "Shama Sharma vs. Kishan Kumar"

Sir/ Madam,

I am directed to forward herewith a copy of Orders dated 10.01.2024 passed by Hon'ble Supreme Court of India in Transfer Petition (Civil) No. 1957 of 2023 titled as "Shama Sharma vs. Kishan Kumar" and request you to circulate the same amongst all the Judicial Officers working under your respective control for information and necessary compliance.

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Gen. Br.

Yours faithfully,

*S.S. Bhatnagar*  
(S.S. Bhatnagar)

Joint Registrar (Gazette-IB)  
For Registrar General.

Encl.: As above

Offi. Pr. D & S (H.A.)  
05/2/24

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 1957 OF 2023

SHAMA SHARMA

PETITIONER

VERSUS

KISHAN KUMAR

RESPONDENT

ORDER

1. The petitioner-wife has filed the present petition under Section 25 of the Code of Civil Procedure, 1908 seeking transfer of a petition for restitution of conjugal rights filed by the respondent-husband under Section 9 of the Hindu Marriage Act, 1955, bearing CM No. 136 of 2023, titled "Kishan Kumar Vs. Shama Sharma" pending before the Principal Judge, Family Court, Sri Ganga Nagar, Rajasthan to a Court of competent jurisdiction at Faridkot, Punjab.
2. On 29<sup>th</sup> November, 2023 this Court had noted that none has entered appearance on behalf of the respondent-husband. In view of the statement made by learned counsel for the petitioner-wife that the parties were referred to mediation, but could not arrive at a settlement, it was deemed appropriate to await the presence of the respondent-husband. We had also directed that both the parties should appear virtually on the next date of hearing.
3. Learned counsel for the petitioner-wife states that he has given a written intimation of the order passed on 29<sup>th</sup> November, 2023 to the respondent-husband through speed post as well as on WhatsApp, but he has not responded.

4. None is present on behalf of the respondent-husband even today.

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5. In view of the above, we deem it appropriate to allow the petition and direct transfer of the petition bearing CM No. 136 of 2023, titled "Kishan Kumar Vs. Shama Sharma" pending before the Principal Judge, Family Court, Sri Ganga Nagar, Rajasthan to a Court of competent jurisdiction at Faridkot, Punjab.

6. The records of the case be transferred forthwith to the transferee Court.

7. Further, liberty is granted to the respondent-husband to move an appropriate application before the transferee Court for permission to participate in the proceedings virtually. If such a request is made, the transferee Court may grant such permission and direct the personal presence of the respondent-husband only when it is absolutely necessary. Further, if examination of outstation witnesses is required and a request is made for recording the evidence through a Court Commissioner, the transferee Court shall consider the same and pass appropriate orders.

8. The Transfer petition is allowed.

9. Pending applications are disposed of.

10. Before parting with this matter, we have noted with surprise that the caste of both the parties has been mentioned in the memo of parties, besides their other details. Learned counsel for the petitioner submits that if the memo of parties as filed before the courts below is changed in any manner, the Registry raises an objection and in the present case as the caste of both the parties was mentioned before the court below he had no option but to mention their caste in the Transfer Petition.

11. We see no reason for mentioning the caste/religion of any litigant either before this Court or the courts below. Such a practice is to be shunned and must be ceased forthwith. It is

therefore deemed appropriate to pass a general order directing that henceforth the caste or religion of parties shall not be mentioned in the memo of parties of a petition/proceeding filed before this Court irrespective of whether any such details have been furnished before the courts below. A direction is also issued to all the High Courts to ensure that the caste/religion of a litigant does not appear in the memo of parties in any petition/suit/proceeding filed before the High Court or the Subordinate Courts under their respective jurisdictions.

12. The above directions shall be brought to the notice of the members of the Bar as well as the Registry for immediate compliance. A copy of this order shall be placed before the Registrar concerned for perusal and for circulation to the Registrar Generals of all the High Courts for strict compliance.

.....J.  
(HIMA KOHLI)

.....J.  
(AHSANUDDIN AMANULLAH)

NEW DELHI  
JANUARY 10, 2024

PS

Most Urgent/Out at once

**OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE (HQ): DELHI**

No. 7601-772 /Genl./HCS/2024

Dated, Delhi the 07 FEB 2024

**Sub : Circulation of copy of order dated 10.01.2024 passed by Hon'ble Supreme Court of India in Transfer Petition (Civil) No. 1957 of 2023, titled "Shama Sharma Vs. Kishan Kumar".**

A copy of the letter no. 786-798/DHC/Gaz./G-2/SC-Judgment/2024 dated 03.02.2024 bearing this office diary no. 294 dated 06.02.2024 alongwith copy of order dated 10.01.2024 passed by Hon'ble Supreme Court of India in the abovesaid matter is being circulated for information and necessary compliance to :-

1. All the Ld. Judicial Officers posted in Central District, Tis Hazari Courts, Delhi.
2. The Ld. Registrar General, Hon'ble High Court of Delhi, New Delhi for information.
3. PS to the Ld. Principal District & Sessions Judge (HQs), Tis Hazari Courts, Delhi for information.
4. ✓ The Chairman, Website Committee, Tis Hazari Courts, Delhi with the request to direct the concerned official to upload the same on the Website of Delhi District Courts.
5. The Director (Academics), Delhi Judicial Academy, Dwarka, New Delhi for information as requested vide letter no.DJA/Dir.(Acd)/2019/4306 dated 06.08.2019.
6. Dealing Assistant, R&I Branch for uploading the same on LAYERS.
7. Dealing Assistant for uploading the same on Centralized Website through LAYERS.

*Barkha Gupta*  
**(BARKHA GUPTA)**

Officer-in Charge, Genl. Branch, (C)  
District Judge, (Comm. Court)  
Tis Hazari Courts, Delhi.

Encls. As above

*Kishan*  
*7/2/24*