

## Padmja Sharma Vs Ratan Lal Sharma

**Court:** Rajasthan High Court

**Date of Decision:** Oct. 7, 1993

**Citation:** (1994) 1 DMC 40

**Hon'ble Judges:** Mohini Kapoor, J

**Bench:** Single Bench

**Advocate:** N.K. Joshi, for the Appellant; Virendra Bandhu, for the Respondent

**Final Decision:** Dismissed

### Judgement

Mohini Kapur, J.

This is an application for withdrawing the case from the Court of Judge, Family Court, Jaipur and the prayer is that it should be decided by the High Court on its original jurisdiction.

2. The brief facts are that the petitioner and the respondent were married in 1982 and have two children but as the marriage did not work the

petitioner filed a divorce petition which is pending before the Family Court, Jaipur. In the year 1991 this petition was transferred to the Family

Court, Ajmer for speedy and expeditious disposal. The ground for seeking transfer from Jaipur was that the respondent had tampered with the

witnesses but the learned Judge, Family Court Jaipur did not take any action against the respondent. However, the case proceeded for some time

at Ajmer but when the Judge, Family Court. Jaipur was transferred, the case was also transferred is Jaipur. Now, the petitioner is dissatisfied with

the conduct of the Judge, Family Court, Jaipur on the ground that the Judge did not make any attempt to bring about reconciliation but coerced the

petitioner to yield to the suggestions of the respondent for a consent decree of divorce, foregoing all of her claims to dowry articles and

maintenance of her children She was also threatened that she would have to suffer life long with jerks and jolts of misery and grief for the refusal to

yield to such suggestions. According to her, after the rejection of her application for framing of an issue in total disregard and respect of the

directions of the High Court, (This is subject matter of a writ petition No. 7461/1992 which is also being disposed today and it may be stated that

the order of the learned Judge, Family Court has been upheld) it is alleged that the petitioner wanted to file certain documents but they were not

accept and mentioned of all particulars in the statements or proceedings. Filing of writ petition also infuriated the Judge Family Court. Other

allegations are also mentioned.

3. On going through the application itself, and the arguments advanced, it appears that the mere grievance of the petitioner is that an issue for the

return of dowry has not been framed by the Family-Court even after the directions given by this Court. This matter has been fully dealtwith in the

other writ petition and the Judge has been found to be right and the order of the learned Judge Family Court has been upheld. As far as the

statements of the witnesses are concerned, the Family Court is not required to write each and every line and the Act provides that substance of the

statement can be recorded. During the conciliation proceedings the Courts have to explain the consequences to both the parties and if the

petitioner or any one does not want to agree with the suggestions then the case has to proceed and it cannot be said that the Court has been

prejudiced because the suggestions were not accepted. This is happening before this Court in every case. We try for a compromise but if it fails

then the matter is decided on merits without keeping in mind as to which party did not want to settle the dispute in conciliation proceedings. A

perusal of the petition moved by the petitioner for transfer of the case only goes to show that she becomes apprehensive of small matters, when in

proceedings before the Family Court, the parties have to start on the basis that the Courts are there to impart substantial justice in a manner which

is not very formal.

4. There is no justification in taking the case for trial before this Court but a direction is issued to the Judge, Family Court, Jaipur to decide the

dispute without being prejudiced on account of the fact that the parties have not been able to arrive at a settlement. With these observations the

petition is dismissed.