

**RAJASTHAN HIGH COURT, JODHPUR**

**STANDING ORDER**

**No. 02 /S.O./2024**

**Date: 31.01.2024**

Hon'ble Supreme Court vide order dated 10.01.2024 in Transfer Petition (Civil) No. 1957 of 2023, Shama Sharma Vs. Kishan Kumar, has directed to ensure that the caste/religion of a litigant be not mentioned in the memo of parties in any petition/suit/proceeding filed before the High Court or the Subordinate Courts.(Copy enclosed)

I am to also refer similar direction issued in this respect vide earlier Standing Order no. 07/S.O./2020 dt. 27.04.2020.

Therefore, It is enjoined upon all the concerned to make compliance of direction of Hon'ble Supreme Court and ensure that the caste/religion of a litigant be not mentioned in the memo of parties in any petition/suit/proceeding filed before the High Court or the Subordinate Courts and further directed to also ensure compliance of earlier direction issued vide Standing Order no. 07/S.O./2020 dt. 27.04.2020.

BY ORDER

*C.P. Shrivastava*  
**REGISTRAR GENERAL**

31/1/2024

**No. Gen/XV45/2020/197**

**Date : 31 .01.2024**

Copy forwarded to the following for information and necessary action:-

1. The Registrar-cum-Principal Secretary to Hon'ble the Chief Justice, Rajasthan High Court.
2. Private Secretary to all the Hon'ble Judges, Rajasthan High Court, Jodhpur/Jaipur Bench, Jaipur.
3. The Registrar (Admn.), Rajasthan High Court, Jodhpur/ Jaipur Bench, Jaipur.
4. All Registrars/ O.S.D. , Rajasthan High Court , Jodhpur/ Jaipur Bench, Jaipur.
5. Registrar-cum-CPC/ O.S.D. , Rajasthan High Court, Jodhpur/ Bench Jaipur for uploading the order on official website of the Rajasthan High Court.
6. The Chairman, Bar Council of Rajasthan, Jodhpur.
7. The President, Rajasthan High Court Advocates' Association/ Lawyers' Association, Jodhpur and Rajasthan High Court Bar Association, Jaipur.

**Contd.....**

8. All the District & Sessions Judge with the request to circulate the same to all the Judicial Officers posted in the Judgeship and to all the President of Bar Associations of the judgeship.
9. Deputy Registrar (Judicial), Rajasthan High Court, Jodhpur/ Bench Jaipur with the direction to circulate among all the concerned in Judicial Side.
10. All Joint Registrars/ Dy. Registrars/ Assistant Registrars, Rajasthan High Court, Jodhpur/ Jaipur Bench, Jaipur
11. All the P.S/ Sr.P.A./Jr. P.A/ Judgment Writers, Rajasthan High Court, Jodhpur/ Jaipur Bench, Jaipur for compliance.
12. NIC Coordinator, Computer Cell, Rajasthan High Court, Jodhpur/ Jaipur Bench, Jaipur.
13. All A.O.J./ Court Master/ Stamp Reporter, Rajasthan High Court, Jodhpur/ Bench Jaipur.
14. Notice Board.

*C.P. Sharma*  
**REGISTRAR GENERAL**

*21/1/2024*

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

Signature Not Verified  
Digitally signed by  
POOJA SHARMA  
Date: 2023.11.17  
12:28:11 IST  
Reason

4. WhatsApp, but he has not responded.

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

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