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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ TR.P.(C.) 72/2010

KANCHAN KANAN

..... Petitioner

Through: Mr. Dilip Singh and Mr. Surjeet Singh,
Advocates.

versus

RAJIV RANJAN ROY

..... Respondent

Through: Mr. Chetan Chawla, Advocate.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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31.10.2011

By way of this petition, the present petitioner/wife is seeking transfer of the divorce petition which has been filed by her husband (Rajiv Ranjan Roy) under Section 13(1) (a) (b) of the Hindu Marriage Act pending before the Family Court Rohini to the Family Court Saket where a petition seeking maintenance under Section 125 Cr. P.C. filed by the wife is pending. Both the disputes have emanated from the factum of the marriage of Rajiv Ranjan Roy with Kanchan. The parties have one child. In the present petition, it is stated that it is difficult for the petitioner-wife to compute with her child from one court to another court and for expeditious disposal and in the interest of justice, that both the petitions be tried by the same court. Transfer petition is opposed by the respondent. The submission of the petitioner has force; this is in fact the purpose and purport of enactment of the Family Court Act. The divorce petition which has been filed later in time i.e. HMA No. 335/2010 under Section 13(1) (a) (b) HMA pending before the

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Rohini Court is transferred to the Family Court at Saket where the divorce petition filed by the wife under Section 125 Cr.P.C. is pending. The parties to appear before the learned District Judge Rohini on 07.11.2011 who will ensure that the file of HMA No. 335/2010 is transferred to Family Court at Saket. The parties shall appear before the Family Court at Saket on the date already fixed i.e. 26.11.2011.

With these directions, petition is disposed of.


INDERMEET KAUR, J

OCTOBER 31, 2011
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