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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **TR.P.(C.) 34/2017 & CM No.7491/2017 (for stay)**
SHILPI MANNA DAS Petitioner

Through: Mr. A.K. Bharti, Adv.

Versus

RAKESH DAS Respondent

Through: Ms. Devna Soni, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **04.09.2017**

1. Transfer in exercise of powers under Section 24 of Code of Civil Procedure, 1908 (CPC) of a petition filed by the respondent / husband for dissolution of marriage and pending in the Family Court, Saket Courts, New Delhi to the Family Court, Karkardooma Courts, Delhi, for the reason of the petitioner / wife residing closer to the Karkardooma Courts, Delhi and the proceedings under Section 125 of the Cr.P.C. initiated by the petitioner / wife pending in the Family Court at Karkardooma Courts, Delhi.
2. Notice of the petition was issued.
3. The counsel for the respondent has argued i) that if Transfer Petitions are entertained on such grounds, this Court would be inundated therewith; ii) that the proceedings in the Family Court at Saket Courts, New Delhi are of an earlier date than the proceedings in the Family Court at Karkardooma Courts, Delhi; iii) that the petitioner / wife travels long distance from her residence to Noida for work; iv) that the respondent / husband also travels for work from Chittaranjan Park to Gurgaon and also has to take a holiday for the date of hearing; v) that the parameters for the two proceedings in the

two Family Courts are entirely different; vi) that the petitioner / wife has concealed from this Court that she has submitted to the jurisdiction of the Family Court by filing the written statement to the petition for dissolution of marriage.

4. The aforesaid considerations do not come in the way of transfer being allowed.

5. The convenience of the petitioner / wife is a relevant factor for transfer. Not only so, even though separate parameters may apply for the two proceedings in the two Family Courts, it is still deemed expedient that they are considered by the same Court rather than by different Family Courts.

6. The petition is thus allowed.

7. HMA No.581/2016 titled “Rakesh Das Vs. Shilpi Manna” pending in the Court of Sh. Deepak Jagotra, Family Judge, South-East District, Saket Courts, New Delhi is ordered to be transferred to the Court of Sh. B.R. Kedia, Family Judge, Shahdara District, Karkardooma Courts, Delhi.

8. The Family Judge, South-East District, Saket Courts, New Delhi to ensure that file of HMA No.581/2016 is physically forwarded forthwith.

9. The parties to appear before the Family Judge, Shahdara District, Karkardooma Courts, Delhi on 12th October, 2017.

RAJIV SAHAI ENDLAW, J

SEPTEMBER 04, 2017

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