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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **TR.P.(C.) 75/2017**

BHAVANA SHIVU

..... Petitioner

Through: Mr.Sunil Mittal, Senior Advocate
instructed by Ms.Megha Katari,
Advocate.

versus

RAJEEV KUMAR KHURANA

..... Respondent

Through: Ms.Worthing Kasar, Advocate.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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28.04.2017

CM No.16199/2017

1. Exemption allowed subject to all just exceptions.
2. Application is disposed of.

TR.P.(C.) 75/2017

1. The petitioner Bhavana Shivu has filed the instant petition seeking transfer of the petition titled as '*Rajeev Kumar Khurana vs. Bhavana Shivu*' under Section 13-B(2) of Hindu Marriage Act filed by the parties on 7th April, 2017, which is pending in the Court of Principal Judge, Family Court, South-East District, Saket, New Delhi to any other Court of competent jurisdiction.

2. Mr.Sunil Mittal, learned Senior Counsel for the petitioner submits that the petitioner and respondent herein are wife and husband. The parties have

TR.P.(C.) 75/2017

Page 1 of 3

settled their dispute amicably and agreed to dissolve their marriage by mutual consent. The first motion petition under Section 13-B(1) of Hindu Marriage Act, 1955 filed by the parties has already been allowed by learned Principal Judge, Family Court, South-East District, Saket Court, New Delhi vide judgment dated 28th September, 2016. The second motion petition moved by the parties is pending in the Court of Principal Judge, Family Court, South-East District, Saket, New Delhi and listed on 1st May, 2017. Learned Senior Counsel for the petitioner submits that on 22nd April, 2017 when parties appeared before the Court of Principal Judge, Family Court, South-East District, they were informed by the Court Staff that learned Principal Judge has been transferred and another Principal Judge has not been posted so far. It is further submitted that mother of the petitioner, who is 82 years, is critically ill and is undergoing treatment at Minneapolis/St.Paul, United States of America. The petitioner had already booked her ticket for United States of America for 4th May, 2017 to leave for taking care of her mother. Photocopy of the ticket has also been placed on record as Annexure-P5. Learned Senior Counsel for the petitioner prays that since posting of new Presiding Officer in the Court of Principal Judge, Family Court, South-East District, Saket, New Delhi may take time and petitioner has to leave on 4th May, 2017 for United States of America for which ticket had already been booked for 4th May, 2017 and her (petitioner) return to India depends only on the recovery of her mother, the second motion petition filed by the parties may be transferred to any other Family Court.

3. Learned counsel for the respondent submits that he has no-objection if the prayer of the petitioner is allowed.

4. In view of the submissions made by learned Senior Counsel for the petitioner and no-objection given by learned counsel for the respondent, the petition under Section 13-B(2) of Hindu Marriage Act filed by the parties on 7th April, 2017 is withdrawn from the Court of Principal Judge, Family Court, South-East District, Saket, New Delhi and transferred/assigned to the Court of Principal Judge, Family Court, South District, Saket Court, New Delhi for disposal in accordance with law.
5. The parties are directed to appear before the Court of Principal Judge, Family Court, South District, Saket Court, New Delhi on 1st May, 2017, date already fixed in the matter.
6. It is directed that the case file of petition titled as '*Rajeev Kumar Khurana vs. Bhavana Shivu*' under Section 13-B(2) of Hindu Marriage Act filed by the parties on 7th April, 2017 be sent to the transferee Court for 1st May, 2017.
7. With above directions, the petition is disposed of.
8. A copy of this order be sent to the Courts concerned through Special Messenger.
9. As prayed, a copy of this order be also given dasti to learned counsel for the parties under the signature of Court Master.

PRATIBHA RANI, J.

APRIL 28, 2017

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