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

+ **TR.P.(C.) 130/2016**

SUMAN

..... Petitioner

Through: Mr. S.S. Ahluwalia & Mr. Jatin Teotia,
Advs.

Versus

MANOJ

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **06.07.2017**

1. This petition under Section 24 of the CPC seeks transfer of HMA Case No.731/2016 titled Manoj Vs. Suman pending in the Court of Ms. Poonam Bamba, Principal Judge, South District Family Court, South District, Saket Court, New Delhi to the Karkardooma Court.

2. It is the case of the petitioner wife that i) she is residing close to Karkardooma Court and it is more convenient to her to contest the case in the Karkardooma Court than in the Saket Court; ii) that when she went to the Saket Court, the respondent husband threatened her that if she came on future dates he would harm her; that she has lodged a police complaint of the said threat; iii) that the case under Protection of Women from Domestic Violence Act, 2005 filed by her against the respondent husband is pending in the Court to CMM (East), Karkardooma Court, Delhi.

3. The petition was entertained and notice thereof issued to the respondent husband, also through counsel for the respondent husband before the trial court.

4. The noting of the Court Master on the ordersheet dated 19th December, 2016 is to the effect that the notice issued to the respondent husband by ordinary process

as well as speed post has been served and that the notice issued to the counsel for the respondent husband was awaited.

5. The order dated 12th April, 2017 records the presence of Mr. Amit Kumar Singh, Advocate for the respondent husband.

6. However today none appears for the respondent husband.

7. The respondent husband has also not filed any reply to the petition.

8. The respondent husband is proceeded against *ex parte*.

9. In view of the un-rebutted grounds furnished by the petitioner, the petition is allowed.

10. I have enquired from the counsel for the petitioner wife whether there is a Family Court in Karkardooma Court, Delhi and he replies in the affirmative. Accordingly, HMA Case No.731/2016 titled Manoj Vs. Suman pending in the Court of Ms. Poonam Bamba, Principal Judge, South District Family Court, South District, Saket Court, New Delhi is ordered to be transferred to the Principal Judge, Family Court, North-East District, Vishwas Nagar, Delhi.

11. The Principal Judge, South District Family Court, South District, Saket Court, New Delhi to forthwith transfer the file.

12. The counsel for the petitioner wife is unable to tell the next date before the Court of Ms. Poonam Bamba, Principal Judge, South District Family Court, South District, Saket Court, New Delhi. Accordingly, it is directed that the matter be taken up by the Court to which the case stands transferred on 11th August, 2017.

13. The petition is disposed of.

RAJIV SAHAI ENDLAW, J.

JULY 06, 2017

Gsr..