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

+ **TR.P.(C.) 62/2019**

KANIKA JAIN

..... Petitioner

Through Mr Sahil Munjal, Advocate.

versus

MOHIT MITTAL

..... Respondent

Through Mr Kshitiz Aggarwal, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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08.07.2019

1. The petitioner has filed the present petition, *inter alia*, praying that the divorce petition bearing No. 1496/2018 filed by the respondent under Section 13(1)(c) read with Section 13 (1) (i) (i-a) of the Hindu Marriage Act, 1955, titled '*Smt Mohit Mittal v. Dr Kanika Jain*' be transferred to the family court at the Rohini Court Complex.
2. The learned counsel appearing for the petitioner submits that the same would be convenient to the petitioner since two other proceedings – complaint under Section 12 of the Domestic Violence Act, 2005, against the respondent and his family members as well as FIR No. 311/2017 – are already pending before the courts at the Rohini Court Complex.
3. The learned counsel for the respondent opposes the present petition emphatically.
4. Insofar as the FIR (FIR 311/2017) filed at P.S. Model Town alleging

offences under Section 406/498-A, 354/377 of the Indian Penal Code, 1860 is concerned, it is pointed out that a chargesheet has not been filed as yet.

5. More importantly, the said case would fall under the jurisdiction of a Metropolitan Magistrate and no purpose would be served by transferring the divorce petition to the courts at Rohini.

6. This Court does not consider it apposite to transfer the petition for the convenience of one party, particularly when the same is stoutly objected to by the other party.

7. The petition is dismissed.

VIBHU BAKHRU, J

JULY 08, 2019

pkv