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

+ **TR.P.(C.) 198/2018 & CM APPL. 43571/2018**

SARITA

..... Petitioner

Through Ms Ankita Patnaik, DHCLSC.

versus

AJEET

..... Respondent

Through

**CORAM:**

**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**ORDER**

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**16.07.2019**

1. The petitioner has filed the present petition under Section 24 of the Code of Civil Procedure, 1908 for transferring the divorce petition no. 709/2018 captioned “Sh Ajeet v. Smt. Sarita”, which is pending before the learned Judge, Family Court, Shahdara District, Karkardooma to the Principal Judge, Family Court, Dwarka (South West District).
2. The petitioner states that prior to the respondent filing a divorce petition, the petitioner had filed a complaint under the Domestic Violence Act, 2005 (complaint case no. 927/2018) which is pending before the learned Mahila Court Dwarka (South West District). The learned counsel further states that the petitioner is living with her ailing parents and two minor children and it is difficult for her to commute to the Family Court, Shahdara District, Karkardooma.
3. The learned counsel appearing for the petitioner states that efforts

were made to amicably resolve all the issues. She states that before the learned Mahila Court, the respondent had made a statement that he would be withdrawing the divorce petition which is now listed before the Principal Judge Family Court, Shahdara District, Karkdooma on 31.08.2019.

4. Keeping in view the above facts, the present petition is allowed and the divorce petition bearing No. 709/2018 captioned “Ajeet v. Smt. Sarita”, which is pending before the learned Family Court, Shahdara District, Karkardooma is directed to be transferred to the Principal Judge, Family Court, Dwarka (South West District). However, it is stated that the said transfer would be effective after 31.08.2019. In other words, the learned Family Court, Shahdara District, Karkardooma shall hear the divorce petition on 31.08.2019 as listed. Plainly, if the respondent withdraws the said petition, there would be no requirement to transfer the file. However, if the respondent insists on proceeding with the said petition, it is directed that the divorce petition would be transferred to the learned Principal Judge Family Court Dwarka (South West District).

5. The petition and the pending application are disposed of.

**VIBHU BAKHRU, J**

**JULY 16, 2019**

pkv