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IN THE HIGH COURT OF DELHI AT NEW DELHI

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TR.P.(C.) 162/2019

SANDEEP KUMAR TOMAR

..... Petitioner

Through: Mr.Shekhar Nanavatya, Adv.

versus

SUNITA @ SHWETA

..... Respondent

Through: Mr.Vijay Sharma, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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27.02.2020

This petition has been filed by the petitioner seeking transfer of HMA No.851/2017, titled *Sandeep Kumar Tomer vs. Sunita@ Sweta* from the Court of the learned Principal Judge, Family Court, Dwarka, New Delhi to the Court of the learned Principal Judge, Family Court, Patiala House Courts, New Delhi.

The ground for seeking transfer is that the petitioner resides within the jurisdiction of the Police Station: Sagarpur, however, while filing the petition had inadvertently mentioned the Police Station as Dabri Mor. The jurisdiction of the Family Court as far as Police Station Sagarpur is concerned will be with the Family Court, Patiala House Courts. The present petition has therefore, been filed to obviate any objection to the territorial jurisdiction of the Family Court at Dwarka Courts.

The learned counsel for the respondent while not disputing the above fact, submits that during the proceedings in the divorce petition, the respondent has shifted from Mathura to Dwarka Mor and

therefore, would find it extremely inconvenient to travel to Patiala House Courts. In fact, she is presently pursuing her studies which would also make it more inconvenient for her to travel to Patiala House to defend the case. He further submits that even the petitioner is residing near Dwarka Court and it would be convenient for the petitioner also if the matter is not transferred. He further submits that the respondent shall not challenge the territorial jurisdiction of the Court at Dwarka.

In view of the submissions made and specially keeping in view the interest of the respondent, the present petition is disposed of recording that the petition filed by the petitioner shall not be dismissed on the ground of lack of territorial jurisdiction and would, infact, be deemed to have been transferred to that Court. There shall be no order as to costs.

Dasti.

NAVIN CHAWLA, J

FEBRUARY 27, 2020
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