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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 13th April, 2021
+ **TR.P.(C.) 23/2021 & CM APPL. 14060/2021 & 14061/2021**
MRS NIDHI SOLANKI Petitioner
Through: Mr. K.V.S. Gupta, Mr. N.K. Bhambri
and Mr. Karan Bhambri, Advocates
(M: 9810001774 & 9873251701)
versus
MR PUNEET SOLANKI Respondent
Through: Mr. Randhir Kumar and Mr. Arjun D.
Singh, Advocates.

CORAM:
JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through Video Conferencing.
2. This is a transfer petition filed on behalf of the Petitioner-wife seeking transfer of the matter bearing **HMA No. 725/2020** titled **Puneet Solanki v. Nidhi Solanki**, which is pending before the Id. Principal Judge, Family Court, New Delhi District, Patiala House, New Delhi to the Id. Principal Judge, Family Court, North West District, Rohini Court, Delhi.
3. The Petitioner had got married to the Respondent on 4th February, 2013. Thereafter, they were blessed with two daughters. The Petitioner filed a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 on 9th October, 2019 against the Respondent and his parents, which is pending before the Id. CMM, North-West District, Rohini, Delhi. She has thereafter, also filed a petition under Section 125 of the Cr.P.C. before the Id. Principal Judge, Family Court, (North-West), Rohini Court, Delhi.

4. The Respondent/husband has, however, on 11th December, 2020, filed a petition seeking dissolution of marriage under Sections 13(1)(ia) and 13(1)(ib) of the Hindu Marriage Act, 1955, which is now pending before the Id. Principal Judge (New Delhi), Family Court, Patiala House, New Delhi.
5. The submission of Id. Counsel for the Petitioner is that the Petitioner has two minor daughters and it would be convenient for her if the matter before the Id. Principal Judge (New Delhi), Family Court, Patiala House, New Delhi is also shifted to be heard before the Id. Principal Judge, Family Court, (North-West), Rohini Court, Delhi.
6. Id. counsel for the Respondent submits that the Court ought not to always take a view in favour of the wife. He submits that the Respondent is a pilot who resides in Palam and the appropriate jurisdiction, as per his residence, is the Court of Delhi District, Patiala House, New Delhi. He further submits, that in any event, personal appearance of the parties is rarely required in such matters except at the time of giving evidence. He also submits that though the petition for divorce was filed by the Respondent almost four months ago, when the next date is fast approaching on 24th April, 2021, the present petition for transfer has been filed by the Petitioner. The same is thus, not bona fide.
7. The Court has heard Id. counsels for the parties and has perused the records. As per the memo of parties, the Petitioner-wife is living with her two daughters in her parental house in Sector 22, Rohini, Delhi. The Respondent is living in Nasirpur Village, Palam, South-West Delhi and he is a pilot.
8. The Court has considered the residences of both the parties, as also the fact that the Petitioner has two minor daughters, and at some point would

be required to travel to Court of Delhi District, Patiala House, New Delhi. Further, in order to avoid any conflicting findings or contradictory conclusions arrived at by the Id. Family Courts, it is deemed appropriate to transfer the petition for divorce pending before the Principal Judge, Family Court, New Delhi District, Patiala House, New Delhi to Id. Principal Judge, Family Court, North West District, Rohini Court, Delhi to be heard and tried along with the proceedings under Section 125 of the Cr.P.C. pending before the Principal Judge, Family Court, North West District, Rohini Court, Delhi.

9. It is made clear that this Court has not examined the merits of the contentions of the either of the parties.

10. Further, the present transfer petition shall not be used as a reason by the Petitioner to seek adjournment of the matter on 24th April, 2021. The Id. Principal Judge, Family Court, New Delhi District, Patiala House, New Delhi, shall ensure that the relevant file is immediately transferred, if not in a physical form, at least in an electronic form to the Principal Judge, Family Court, North West District, Rohini Court, Delhi. The Petitioner shall also ensure that the reply is filed before the next date of hearing and the matter shall be taken up before Id. Principal Judge, Family Court, North West District, Rohini Court, Delhi on 24th April, 2021.

11. Needless to add, the Court shall not grant any unnecessary adjournments to either of the parties. The above transfer would be without prejudice to rights and contentions of either parties.

12. The transfer petition is allowed in these terms.

**PRATHIBA M. SINGH
JUDGE**

APRIL 13, 2021/MR/AP