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

+ **TR.P.(CRL.) 5/2024, CRL.M.A. 1537/2024**

SMT. RINKI SEHRAWAT

.....Petitioner

Through: Mr.Sanjay Kumar, Adv.

versus

SMT. KUSUM LATA

.....Respondent

Through: Mr. Yudhisthir Sharma, Adv.(VC)
with Mr.Aditya Goel, Mr. Manoj
Kumar, Mr.Gursimran Singh,Adv.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

30.08.2024

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1. The present petition has been filed for transfer of domestic violence petition no. 704/2023, titled *Kusum Lata vs. Rinki Sehrawat* filed by the respondent under Section 12 of the Domestic Violence Act, pending at the court of learned MM (Mahila Court), District South West, Dwarka Courts, New Delhi to the court of learned MM (Mahila Court), District North, Rohini Courts, Delhi, where the petitioner has filed a petition of domestic violence bearing no. 803/2023 titled as *Rinki Sehrawat vs. Ajay Grewal and Ors.* is pending trial.
2. Learned counsel for the respondent has opposed this application on the ground that the petitioner cannot be given liberty to choose the territorial jurisdiction as per her convenience. Learned counsel for the respondent also submits that the respondent is, in fact, apprehensive that she may be manhandled if she goes to the Rohini Courts.



3. In the matrimonial cases while exercising the jurisdiction of the transfer, normally the convenience of the wife is taken into consideration unless there is perversity or transfer is being used to harass the opposite party.
4. The Supreme Court, in ***Sumita Singh vs Kumar Sanjay And Anr.***, AIR 2002 SC 396, *inter alia* held that in matrimonial disputes, the convenience of the wife should be given priority when considering transfer petitions. Similarly, in ***Rajani Kishor Pardeshi v. Kishor Babulal Pardeshi***, (2005) 12 SCC 237, the Apex Court emphasized that while the wife's convenience is crucial, the court must also ensure that the transfer is not sought for vexatious or oppressive reasons. The Court is obligated to carefully examine the facts of each case to ensure that the transfer does not result in injustice to the husband.
5. I do not consider any such things in the present matter. However, if the respondent is apprehensive of any incident in the Rohini Court, she may move an appropriate application before the learned MM or may approach the concerned learned Principal District & Sessions Judge.
6. Learned MM may also consider allowing the respondent to appear through VC.
7. In view of the discussions, the matter Domestic Violence petition no. 704/2023, titled *Kusum Lata vs. Rinki Sehrawat* pending at the court of learned MM (Mahila Court), District South West, Dwarka Courts, New Delhi is transferred to the court of learned MM (Mahila Court), District North, Rohini Courts, Delhi.
8. Learned Principal, District and Sessions Judge, District South West,



Dwarka Court is requested to send all records to the learned Principal, District and Sessions Judge, District North, Rohini Courts for assigning it to learned MM (Mahila Court), North District, Rohini.

9. Parties to appear before the learned Principal, District and Sessions Judge, District North, Rohini Courts
10. Copy of the order be sent to the learned Principal, District and Sessions Judge, District South West, Dwarka Courts and learned Principal, District and Sessions Judge, District North, Rohini Courts.
11. The present Petition along with the pending application stands disposed of.

DINESH KUMAR SHARMA, J

AUGUST 30, 2024/Pallavi/NA