



2024:DHC:4118



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

+ **TR.P.(C.) 27/2024**

KIRTI GUPTA

..... Petitioner

Through: **Mr. Shekhar Nanavaty, Adv.**

versus

SHEKHAR GOYAL

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER (ORAL)

17.05.2024

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CM APPL. 9150/2024 (Exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

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3. This transfer petition is by the respondent-wife in HMA 1577/2022 (*Shekhar Goyal v. Kirti Gupta*) seeking transfer of the said case presently pending before the learned Principal Judge, Family Court, Karkardooma Court to the Court of learned Principal Judge, Family Court, Dwarka Court. It is stated that there are already proceedings under the Protection of Women from Domestic Violence



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Act, 2005 instituted by the petitioner against the respondent pending before Dwarka Court.

4. Though a reply has been filed by the respondent, there is no substantial ground to contest the present petition, especially in view of the long line of decisions of the Supreme Court that Court has ordinarily, in such cases, to defer to the wishes of the wife. One may refer, in this context, to the judgment of the Supreme Court in *Sumita Singh v. Kumar Sanjay*¹.

5. In view of the aforesaid reasons, the Transfer petition is allowed. HMA 1577/2022 (*Shekhar Goyal v. Kirti Gupta*) stands transferred from the Court of learned Principal Judge, Family Court, Karkardooma Court to the Court of learned Principal Judge, Family Court, Dwarka Court. The proceedings shall continue from the stage at which they are at present.

CM APPL. 9149/2024 (stay)

6. This application does not survive for consideration and is disposed of.

C.HARI SHANKAR, J

MAY 17, 2024

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Click here to check corrigendum, if any

¹ AIR 2002 SC 396