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

+ **TR.P.(CRL.) 18/2024, CRL.M.A. 6258/2024**

MRS. SUNITA SHARMA AND OTHERSPetitioner

Through: Ms. Priya Mehra Puri, Adv.
(DHCLSC) with Ms.Pinki Aggarwal,
Adv.

versus

MR. NITIN SHARMARespondent

Through: Mr. Murari Tiwari, Mr. Rahul Kumar,
Ms. Nimisha Gupta, Mr. Madhu
Tiwari, Advs.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

22.08.2024

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1. The present petition has been filed for transfer of petition bearing No. MT No.323/2019 titled 'Sunita Sharma and Others v. Nitin Sharma', for grant of maintenance under Section 125 Cr.P.C. from the Family Court, South West, Dwarka Courts, Delhi to Family Court, Tis Hazari, New Delhi, where two other litigations are pending inter se between the parties.
2. Learned counsel for the petitioner submits that respondent has filed a guardian petition No. G.P. 13/2021 titled as "Nitin Sharma v. Sunita Sharma @ Gayatri Sharma" which is pending consideration before the Principal Judge, Family Court, Central Tis Hazari Court, Delhi.
3. It has been submitted that, for the purpose of convenience the maintenance petition bearing No. MT No.323/2019 be transferred from the Court of learned Principal Judge, Family Court, South West,



Dwarka Courts, Delhi to the Court of learned Principal Judge, Family Court, Tis Hazari, New Delhi.

4. The respondent has opposed the transfer on the ground that it has been filed only to cause undue hardship and inconvenience to the respondent and is nothing but just delay tactics. Learned counsel further submits that in fact only learned Family Court, South West, Dwarka Courts, Delhi is the jurisdictional Court to decide the maintenance petition. It has further been submitted that the jurisdiction was chosen by the petitioner herself and without being any change in the circumstances, the present application has been moved.
5. Learned counsel for the respondent further submits that the petitioner will face no inconvenience in going to Dwarka as her residence is at equal distance as it is from Tis Hazari Court.
6. Learned counsel for the respondent further submitted that there is no ground for transfer.
7. I have considered the submissions. The jurisdiction regarding the transfer in the matrimonial cases are generally exercised on the ground of equity. In such cases, the convenience of the wife is always given some preference. I consider that respondent would not be prejudiced if the maintenance case bearing MT No.323/2019 is transferred from the Court of learned Principal Judge, Family Court, South West, Dwarka Courts, Delhi to the Court of learned Principal Judge, Family Court, Tis Hazari, New Delhi.
8. Hence, all the records of maintenance case bearing MT No.323/2019 is withdrawn from the from the learned Principal Judge, Family



Court, South West, Dwarka Courts, Delhi, and transferred to learned the Principal District and Sessions Judge, West, Tis Hazari Court, Delhi.

9. The learned Principal District and Sessions Judge, South West, Dwarka Courts New Delhi is directed to send all records to the learned Principal District and Sessions Judge West, Tis Hazari Court New Delhi.
10. Parties are directed to appear before the learned Principal District and Sessions Judge, West, Tis Hazari Courts on 03.09.2024.
11. In view of the above, the present petition stands disposed of.

DINESH KUMAR SHARMA, J

AUGUST 22, 2024

Pallavi/KR