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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **TR.P.(C.) 53/2024, CM APPL. 19321/2024 & CM APPL. 64825/2024**

SUNITA SHARMA

.....Petitioner

Through: Ms. Priya Puri, Advocate (DHCLSC)
with Ms. Pinki Aggarwal and
Mr. Sachin Dubey, Advocates.

versus

NITIN SHARMA

.....Respondent

Through: Ms. Pooja Chhabra, Advocate.

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER
06.11.2024

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1. The facts of the case would indicate that there are two cases pending in the District Court West, Tis Hazari Courts, New Delhi. One case pertains to the guardianship of the children and another case pertains to the maintenance sought by the wife. The cases are being attended by the respondent in the District Court West, Tis Hazari Courts, New Delhi.
2. Learned counsel who appears for the petitioner contends that the case bearing No. HMA No.732 of 2020, which has been filed under Section 13(1)(i)(a) of the Hindu Marriage Act, 1955, at the instance of respondent-husband is pending in the Family Courts, South West Dwarka Courts, Delhi. The petitioner, therefore, submits that she, being a resident of Burari, resides within the territorial jurisdiction of the Tis Hazari Courts, New Delhi. She



further submits that she is facing immense difficulties and financial problems in attending the proceedings at Family Courts, South West Dwarka Courts, Delhi.

3. Learned counsel who appears for the respondent opposes submissions advanced by the petitioner and submits that the present address, purported to have been shown by the petitioner, is only a temporary address. She further submits that the guardianship petition has to be filed at the jurisdiction where the children are currently residing and according to her, the petitioner does not face difficulty in attending the proceedings in HMA No.732 of 2020 at Family Courts, South West Dwarka Courts, Delhi.

3. I have considered the submissions made by learned counsel for both the parties and have also perused the record of the case.

4 The Court takes note of the fact that two cases remain pending at District Court West, Tis Hazari Courts, New Delhi. Upon considering the submission, the Court is of the considered opinion that the interest of justice would better served if HMA No.732 of 2020 stands transferred to the District Court West, Tis Hazari Courts, New Delhi.

5. Accordingly, the Court directs for HMA No.732 of 2020 to be transferred to the District Court West, Tis Hazari Courts, New Delhi.

6. Ordered accordingly.

PURUSHAINDRA KUMAR KAURAV, J

NOVEMBER 6, 2024
DPA/SP