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

+ **TR.P.(CRL.) 44/2024**

MEENAKSHI BAHUGUNA

..... Petitioner

Through: Mr. Brijesh Tiwari, Mr. Dev Karan
and Mr. Vimal, Advocates.

versus

SUSHIL KUMAR

..... Respondent

Through: None.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

17.05.2024

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1. This matter has been placed before this Court pursuant to a letter dated 15.04.2024 received from the learned Principal District & Sessions Judge, South West, Dwarka Courts, New Delhi, forwarding a letter dated 15.04.2024 from Ms. Surbhi, MM-02, Mahila Courts, Dwarka Courts, New Delhi, for appropriate order on transfer of complaint case bearing CT Case No.11586/2019, PS: Palam Village, under Section 12 of the Protection of Women from Domestic Violence Act, 2005 ('DV Act'), titled as '*Meenakshi Bahuguna v. Sushil Kumar and Others*'.

2. On 06.04.2024, Ms. Surbhi, MM-02, passed the following order :-

"On the last to LDOH, clarification was sought from the Ld. counsel for complainant qua the territorial jurisdiction of this court. It is stated by the Ld. counsel for complainant that complainant was residing alongwith her mother at the time of filing of the present petition and the house of the mother comes under the jurisdiction of PS Palam Village which comes under the territorial jurisdiction of this court and therefore this court is competent court for disposal of this matter.

On being asked with regard to the pleadings taken by the complainant complainant in this respect, Ld. counsel for complainant failed to show



any pleadings taken by the complainant in which she is claiming that she was residing at her mother's house at the time of filing of the present petition. Infact, to the contrary, the complainant in her petition in para no. 32 claimed that she is presently residing at the house of respondent's mother i.e., matrimonial house which also does not fall under the jurisdiction of this court. Nowhere the complainant has taken pleadings that she is residing in the jurisdiction of PS Palam Village. At present as well, the complainant is residing in the jurisdiction of PS Sagarpur.

In the inquiry, both the parties submit that the other disputes between the parties are pending before the competent court having jurisdiction of PS Sagarpur.

In view of the submissions of both the parties and after going through the petition u/s 12 PWDV Act, this court is of the view that this court lacks territorial jurisdiction in the present matter and territorial jurisdiction in the present matter is with Patiala House Court.

In view of the above, let the present matter be placed before the Ld. Principal Distt. & Sessions Judge for passing appropriate orders with this regard ”

3. The matter was thereafter marked to learned Principal District & Sessions Judge, Dwarka Courts and the learned District Judge observed as follows on 09.04.2024:-

“I have seen the observations made by Ms. Surbhi, Ld. MM-02, South-West District, Dwarka Courts in her order dated 06.04.2024.

As per the observations made therein, the present case falls within the jurisdiction of Patiala House Courts as the complainant is residing with the jurisdiction of PS Sagarpur.

Since this court has no power to transfer the case to other district, reference is drawn and the mater may be accordingly sent to Hon'ble High Court of Delhi so that the reference is registered as Transfer Petition and is placed before the concerned Hon'ble Bench for necessary directions in the matter.....”

4. From a conjoint reading of the aforesaid orders, it is clear that the learned MM, Mahila Court, Dwarka Courts, does not have the territorial jurisdiction to entertain the complaint being CT Case No.11586/2019, as the complainant is residing within the jurisdiction of PS: Sagarpur, which falls



within the jurisdiction of Patiala House Courts. Accordingly, CT Case No.11586/2019, under Section 12 of DV Act, titled as '*Meenakshi Bahuguna v. Sushil Kumar and Others*', is transferred to Patiala House Courts, New Delhi and shall be listed before the learned Principal District & Sessions Judge, Patiala House Courts, New Delhi on 26.07.2024 for appropriate orders, with advance intimation to the parties.

5. Copies of the order will be sent to both the Courts for information and necessary compliance.

JYOTI SINGH, J

MAY 17, 2024/shivam