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

+ **TR.P.(C.) 119/2024**

PIYUSH GUPTA

.....Petitioner

Through: Mr.Prateek Goswami and
Mr.Shashank Goswami, Advs.

versus

KRITIKA

.....Respondent

Through: Counsel (*appearance not given*).

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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11.11.2024

1. The petitioner in the instant transfer petition seeks for transfer of the Matrimonial Suit bearing no. HMA No. 1559/2021, under Section 13(1) (i-a) of the Hindi Marriage Act, 1955 pending before the Court of Principal Judge, Family Court, South-West, Dwarka Courts, Delhi to a Court of competent jurisdiction at North-West District, Rohini Courts, Delhi.
2. Learned counsel appearing on behalf of the petitioner submits that the present suit has been filed by the petitioner and the proceedings under the Protection of Women from Domestic Violence Act, 2005, filed by the respondent/wife are pending at North-West District, Rohini Courts, Delhi. He, therefore, requests for transfer of the petition in HMA No. 1559/2021, under Section 13(1) (i-a) of the Hindu Marriage Act, 1955 pending before the Court of Principal Judge, Family court, South-West, Dwarka Courts, Delhi to a Court of competent jurisdiction at North-West District, Rohini



Courts, Delhi.

3. The aforesaid prayer is opposed by learned counsel appearing on behalf of the respondent only on the ground that the application under Section 24 of the Hindu Marriage Act, 1955 seeking maintenance, is pending before the concerned Court and on account of non co-operation by the petitioner; the same has not been decided.

4. I have considered the submissions made by learned counsel for the parties and perused the record.

5. With respect to the grievance raised by the respondent, the Court only observes that the same is not a controversy to be adjudicated in the instant petition. The respondent/wife shall be at liberty to raise the aforesaid grievance before the competent Court.

6. However, looking at the nature of the prayer, the reasons assigned by the petitioner, and in the interest of justice, the Court finds that HMA No.1559/2021, instituted by the petitioner, be transferred to the Court of North West District, Rohini Courts, Delhi.

7. Let the matter be placed before the Principal District Judge, Family Courts, North West District, Rohini Courts, Delhi, for appropriate orders/directions.

8. Accordingly, the instant transfer petition stands allowed.

PURUSHAINDR KUMAR KAURAV, J
NOVEMBER 11, 2024/MJ/DP