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

+ **TR.P.(CRL.) 139/2023, CRL.M.A. 31580/2023**

RAJ KAMAL GUPTA

..... Petitioner

Through: Mr.Sagar Saxena, Mr.Parmeet Singh
and Mr.Sarthak Pandey, Advocates.

versus

SEEMA MAHESHWARI

..... Respondent

Through: Mr.Rajiv Singh and Mr.Amitabh
Krishan, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

01.02.2024

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1. This petition has been filed on behalf of Petitioner under Section 407 Cr.P.C. seeking transfer of complaint filed under Section 12 of Protection of Women from Domestic Violence Act, 2005 titled as **Ms.Seema Maheshawari v. Sh.Raj Kamal Gupta** bearing CC No.633653/2016 (New CC 139/2017), from the Court of learned MM, Mahila Court, Saket, South-East District, New Delhi to Karkardooma Court, East District.

2. The singular reason given in the present petition is that four other litigations are pending between the parties in Karkardooma Courts, details of which have been enumerated in para 4 of the petition.

3. Learned counsel for the Respondent opposes the transfer and draws the attention of the Court to order dated 31.08.2023 annexed to the reply to the present petition, wherein the learned MM, Mahila Court has taken a serious note of the fact that Petitioner is taking repeated adjournments and

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not arguing the application filed by the Respondent seeking interim maintenance and has also passed an interim order restraining the Petitioner from alienating his property. It is submitted that the Petitioner wants to avoid the compliance of this order and is aware that no further adjournment will be given in the Court and has, therefore, filed the present petition for transfer which is a *mala fide* conduct. No legal grounds have been made out within the parameters of Section 407 Cr.P.C. to seek transfer besides the fact that the matters before the Karkardooma Courts have no bearing on the case before the Saket Courts.

4. Having heard the learned counsels for the parties, I do find merit in the contentions raised by the learned counsel for the Respondent that the only ground on which transfer is sought is pendency of 4 cases between the parties before the Karkardooma Courts, where one of them is an application under Section 156(3) Cr.P.C. and is at an advance stage. It is not the case of the Petitioner that 4 cases have any bearing on the application filed under Section 12 of the DV Act or *vice versa*. This Court finds no ground to transfer the matter within the contours of Section 407 Cr.P.C.

5. Petition stands dismissed. Pending application stands disposed of.

6. It is made clear that this Court has not expressed any opinion on merits of the pending cases.

JYOTI SINGH, J

FEBRUARY 01, 2024/DV