



2024:DHC:2685



\$~20

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **TR.P.(C.) 197/2023****POOJA GARG**

..... Petitioner

Through: Mr. Deepak Tyagi, Mr.
Shubham Tyagi and Ms. Maalav Vohra,
Adv.

versus

SAGAR GUPTA

..... Respondent

Through: None

CORAM:**HON'BLE MR. JUSTICE C. HARI SHANKAR****ORDER (ORAL)****02.04.2024**

%

TR.P.(C.) 197/2023

1. This is a Transfer Petition at the instance of the wife in HMA 2878/2023 (*Mr. Sagar Gupta v. Ms. Pooja Garg*), being a divorce petition instituted by the respondent husband against the petitioner before the learned Principal Judge, Family Court, North West District, Rohini. The petitioner prays that the said divorce petition may be transferred to the court of competent jurisdiction in the District Court at Karkardooma.

2. Despite issuance of notice, no response has been filed to this petition. This matter has been called out twice, but there is no appearance on behalf of the respondent at either call.

3. It appears that the respondent is not contesting the prayer of the

Signature Not Verified

Digitally Signed By: AJIT
KUMAR
Signing Date: 03.04.2024
18:40:02

TR.P.(C.) 197/2023

Page 1 of 3



2024:DHC:2685



petitioner.

4. Even otherwise, the Supreme Court has also held that in such matters, a request for transfer, when made by the wife, especially for the proceedings being transferred to a Court close to the place where she is residing, ought ordinarily to be allowed.

5. The petitioner is a resident of Laxmi Nagar which is close to Karkardooma.

6. Moreover, Mr. Deepak Tyagi, learned Counsel for the petitioner submits that the petitioner has instituted a Complaint Case No. 1487/2023 under the Protection of Women from Domestic Violence Act 2005, before the District Court at Karkardooma, against the respondent.

7. In view thereof, and as there is no opposition to this petition, the prayer for transfer of HMA 2878/2023 (*Mr. Sagar Gupta v. Ms. Pooja Garg*) to the Karkardooma Court is allowed.

8. The Registry of the Rohini Court is directed forthwith to transmit the record of HMA 2878/2023 to the Karkardooma Court, where it would be assigned to a Court of competent jurisdiction.

9. Let the matter be placed before the competent court in the Karkardooma Court on 25 April 2024.

10. The Transfer Petition stands allowed accordingly.



2024:DHC:2685



11. Let a copy of this order be transmitted by the Registry of this Court to the respondent as well as to learned Counsel, who appears for the respondent before the learned Trial Court.

CM APPL. 64455/2023

12. This application does not survive for consideration and stands disposed of.

C.HARI SHANKAR, J

APRIL 2, 2024

rb

[Click here to check corrigendum, if any](#)