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

+ **TR.P.(C.) 162/2024 and CM APPL. 53768/2024**

BHAWNA VASWANI

.....Petitioner

Through: Mr. Vibhuti Zibbu, Adv.

versus

MANISH VASWANI

.....Respondent

Through: Mr. Suresh Sharma, Adv.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

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26.11.2024

1. Heard learned counsel appearing for both the parties.

2. This petition is filed with the following relief:-

"a. Transfer of the proceeding U/S 13(1)(ia)&(ib) of Hindu Marriage Act bearing HMA No.213/2024 titled as Manish Vaswani Vs. Bhawna Vaswani pending in the Hon'ble Court of Sh. Harish Kumar, JFC Patiala house court, New Delhi to the Hon'ble Court of Ld. Family Court, Rohini, Delhi before this Hon'ble Court.

b. Stay the proceeding pending before the Hon'ble Court of Ld. Principal Judge family Court, Patiala House Courts, New Delhi in HMA No. 213/2024 titled as Manish Vaswani v/s Bhawna Vaswani."

3. In the instant case, the petitioner-wife is seeking a transfer of *HMA No.213/2024*, which has been instituted by respondent-husband for seeking divorce, before Patiala House Courts, New Delhi to the Family Court, Rohini Courts, Delhi predominantly on the ground that the proceedings under the provisions of the Protection of Woman from Domestic Violence Act, 2005 and Section 125 of the Cr.P.C. are pending before the Family Court, Rohini Courts, Delhi. Learned counsel for the petitioner contends that



the petitioner is working as a teacher in '*The Srijan School, Model Town, Delhi*'. She also contends that in order to attend the hearing at Patiala House Court, New Delhi, the petitioner is compelled to take full-day leave and in addition, her daughter, who is residing with her and is also studying in the same school, also has to take a leave.

4. Learned counsel for the petitioner, therefore, contends that the petitioner is residing within the limits of Family Court, Rohini Courts, Delhi, and under the facts and circumstances of the present case, the interest of justice would be better served, if the proceedings of divorce petition are transferred to the Family Court, Rohini Courts, Delhi.

5. The submissions made by learned counsel for the petitioner are vehemently opposed by learned counsel for the respondent. He submits that in the aforementioned cases, family members of the respondent-husband are also implicated. He submits that even the old and ailing mother of the respondent-husband has to appear in Family Court, Rohini Courts, Delhi, which is also causing similar prejudice to her. He further submits that nowadays through video conferencing mode, the petitioner can very well make her appearance, and physical presence is only required as and when the evidence or cross-examination has to be conducted. He, therefore, contends that the Court should refrain from transferring the proceedings to the Family Court, Rohini Courts, Delhi.

6. I have considered the submissions made by learned counsel appearing for the parties and have perused the record of the case.

7. The fact that the petitioner is residing within the jurisdiction of Rohini Courts is not disputed. It is also undisputed that the petitioner is a teacher and is also taking care of her daughter who is studying in the same school,



where the petitioner is serving as a teacher. It is also seen that the petitioner and the respondent are already attending the proceedings in two pending cases at the Rohini Courts, Delhi. It would, therefore, be seen that even if the instant proceedings are not transferred to Rohini Courts, the respondent herein and his family members will still have to attend the proceedings at Rohini Court, Delhi.

8. Keeping in mind the overall facts and circumstances of the case, the Court finds that the interest of justice would be better served if the proceedings pending at Patiala House Courts, New Delhi are transferred to the Family Court, Rohini Courts, Delhi.

9. Accordingly, it is directed that the instant *HMA No.213 of 2024* be transferred to Family Court, Rohini Courts, Delhi. Let the papers be placed before the Principal District and Sessions Judge, Rohini Court, Delhi for assignment of the matter to the appropriate Family Court.

10. Accordingly, this petition is disposed of along with pending applications.

PURUSHAINDR KUMAR KAURAV, J

NOVEMBER 26, 2024/DPA