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

+ **TR.P.(C.) 39/2025, CM APPL. 12577/2025**

NEHA

.....Petitioner

Through: **Mr. Shekhar Nanavaty, Adv.**

versus

SUNIL

.....Respondent

Through: **Ms. Tanya Agarwal and Mr. Krishna Kumar Keshav, Advs.**

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

17.11.2025

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1. The petitioner, *vide* the present petition seeks transfer of the case being HMA No. 694/2024 entitled “*Sunil vs. Neha*” from the Court of learned Principal Judge, Family Court, Saket Courts, South-East, Delhi to the Court of learned Principal Judge, Family Court, South-West, Dwarka Courts, Delhi.

2. It is the case of the petitioner that she is an unemployed lady and is presently residing with her father, who is a senior citizen, at Dwarkapuri, Vijay Enclave, New Delhi-110 045. Further, being aggrieved by the conduct of the respondent she has filed the following cases:

- a) CC no. 2189/2022 entitled “*Neha vs. Sunil*” pending before the learned JMFC, Dwarka Court;
- b) Cr. Case bearing FIR no. 0221/2023, PS- Dabri, u/s 498A, 406, 34 IPC;



c) Mt. No. 663/2022 entitled “*Neha vs. Sunil*” pending before the learned PJFC, Dwarka Court, South West Delhi,

d) Ex. No.21470/2024 entitled “*Neha vs. Sunil*” pending before the learned JMFC, Dwarka Court.

3. In turn, the respondent/ husband, who is an gainfully employed, has subsequently filed HMA No.694/2024 entitled “*Sunil vs. Neha*” which is pending before the Court of learned Principal Judge, Family Court, Saket Court, South East, Delhi. Therefore, despite all the four proceedings *inter se* the parties pending before the Dwarka Courts, Delhi, it would be convenient and also in the interest of justice for both the parties to seek transfer of the case being HMA No.694/2024 to Dwarka Courts, Delhi.

4. Lastly, relying upon the judgments passed by the Hon’ble Supreme Court in *Rajni Kishor Pradeshi vs. Kishore Babulal Pradeshi*, (2005) 12 SCC 237, *Sumita Singh vs. Kumar Sanjay And Anr.*, AIR 2002 SC 396, *Vinisha Jitesh Tolani vs Jitesh Kishore Tolani*, (2010) 5 SCC 748, *Anju Ohri vs Varinder Ohri* (2007) 15 SCC 556, *Veena Rani vs Vijay Kumar*, (2004) 13 SCC 503 and *Neelam Kumari vs Navinder Singh*, (2005) 12 SCC 363, learned counsel for the petitioner submits that it is the convenience and circumstances of the wife that need to be the prime considerations while adjudicating transfer petitions.

5. Considering that the present litigation is emanating from a matrimonial discord *inter se* the parties and it is trite law that the convenience of the wife is on a better footing than that of the husband as also considering that the petitioner is an unemployed lady residing with her father, who has just retired from his services, and lastly, relying upon the aforesaid judgments cited by learned counsel for the petitioner, this



Court is of the considered opinion that it would be in the interest of justice to transfer the petition being HMA No. 694/2024 entitled “***Sunil vs. Neha***” from the Court of learned Principal Judge, Family Court, Saket Courts, South-East, Delhi to the Court of learned Principal Judge, Family Court, South-West, Dwarka Courts, Delhi.

6. In light of the aforesaid, the present transfer petition is allowed and case being HMA No. 694/2024 entitled “***Sunil vs. Neha***” is transferred from the Court of learned Principal Judge, Family Court, Saket Courts, South-East, Delhi to the Court of learned Principal Judge, Family Court, South-West, Dwarka Courts, Delhi, with a direction to commence the proceeding(s) thereof from the stage which it was before.

7. The learned Principal Judge, Family Court, Saket Courts, South-East, Delhi is directed to send the entire record pertaining to the case being HMA no. 694/2024 entitled “***Sunil vs. Neha***” to the Court of the learned Principal Judge, Family Court, South-West, Dwarka Courts, Delhi.

8. Accordingly, the present transfer petition is allowed and disposed of.

9. A copy of the present order be sent to the Court of the learned Principal Judge, Family Court, South, Saket Courts, Delhi and the learned Principal Judge, Family Court, South-West, Dwarka Courts, Delhi for information and compliance.

SAURABH BANERJEE, J.

NOVEMBER 17, 2025/bh