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

+ **TR.P.(C.) 41/2025, CM APPLs. 13635-13636/2025**

SMT. MAMTA @MEENU

.....Petitioner

Through: Ms. Meera Kaura Patel, Advocate
(through VC)

versus

SH. VIJAY KUMAR

.....Respondent

Through: Mr. C.S. Rathore, Ms. Asha, Ms.
Neetu Gaur, Advocates

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

24.11.2025

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1. By virtue of the present petition filed under *Section 24* of the Code of Civil Procedure, 1908, the petitioner seeks transfer of the petition being HMA No. 1527/24 under *Section 9* of Hindu Marriage Act, 1955 (*HMA*) titled “*Shr. Vijay Kumar v. Smt. Mamta @ Meenu*” for restitution of conjugal rights from the Court of learned Principal Judge, Family Court, East District, Karkardooma Courts, Delhi to the Court of learned Principal Judge, Family Courts, District Northwest, Rohini Courts, Delhi.

2. When the present proceedings were listed on 29.08.2025, this Court passed the following order:-

“1. By virtue of the present petition under *Section 24* of the Code of Civil Procedure, 1908, the petitioner seeks transfer of the petition bearing no. HMA No.1527/2024 under *Section 9* of the Hindu Marriage Act, 1955 pending before the learned Principal Judge, Family Court, East District, Karkardooma Courts, Delhi to the Court of learned Principal



Judge, Family Courts, District North West, Rohini Courts, Delhi wherein the petitioner has filed a petition under Section 125 of Code of Criminal Procedure, 1973 bearing no.393/2024 titled “Smt. Mamta @Meenu & Ors. vs. Sh. Vijay Kumar” which is pending.

2. Learned counsel for the petitioner submits that the petitioner is 36 years old, who is residing with her old parents and two minor children in Rohini. She submits that the petitioner is a housewife as she is not working/ employed anywhere. She further submits that the petitioner is completely dependent on her old parents and has to look after them as well as also the two minor children. She then submits that the petitioner is facing extreme financial hardship.

3. As a result of the aforesaid, the petitioner is facing extreme hardship, especially in travelling the long distance for attending hearing(s) in petition bearing no. HMA No.1527/2024 pending before the learned Principal Judge, Family Court, East District, Karkardooma Courts, Delhi.

4. On the other hand, learned counsel for the respondent, appearing through video conferencing, submits that there is no valid ground for transferring the aforesaid petition. Learned counsel for the respondent submits that due to some technical glitch at her end, she would like to address her arguments physically.

5. Renotify on 17.09.2025.”

3. According to learned counsel for the petitioner, the petitioner is 36 years old who is presently residing with her old parents who are also both senior citizens. He submits that she is having two school going children studying in Rohini, Delhi, who are also residing with her. He further submits that the petitioner is a house wife as she is presently not employed anywhere. Moreover, the petitioner is not receiving any interim maintenance from the respondent and is completely dependent upon her old parents, due to which she is facing extreme financial hardships.



4. Though the petitioner has no right to seek transfer, however, evidently the factual position involved herein, particularly since she is residing with her old parents who are also both senior citizens, and that too along with her two school going children, and that she has to look after all of them, more so, when she is presently unemployed.

5. Considering the aforesaid, as also that this Court is dealing with matrimonial proceedings, wherein more than one lives are involved, in the considered opinion of this Court it would be prudent, and also in the interest of the parties as also interest of justice that the present petition is allowed.

6. As such, the petition being no. HMA No. 1527/24 for restitution of conjugal rights titled “***Shr. Vijay Kumar v. Smt.Mamta @ Meenu***” is transferred from the Court of learned Principal Judge, Family Court, East District, Karkardooma Courts, Delhi to the Court of learned Principal Judge, Family Courts, District Northwest, Rohini Courts, Delhi, with a direction to commence the proceeding(s) thereof from the stage which it was before the Court of learned Principal Judge, Family Court, East District, Karkardooma Courts, Delhi.

7. The learned Principal Judge, Family Court, East District, Karkardooma Courts, Delhi is directed to send the entire record pertaining to the petition being HMA No. 1527/24 for restitution of conjugal rights titled “***Shr. Vijay Kumar v. Smt.Mamta @ Meenu***” to the Court of learned Principal Judge, Family Courts, District Northwest, Rohini Courts, Delhi.

8. Accordingly, the present transfer petition alongwith the pending applications stands disposed of.



9. A copy of the present order be sent to the learned Principal Judge, Family Court, East District, Karkardooma Courts, Delhi and learned Principal Judge, Family Courts, District Northwest, Rohini Courts, Delhi for compliance and information.

SAURABH BANERJEE, J

NOVEMBER 24, 2025/So