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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ TR.P.(C.) 42/2025, CM APPL. 13804/2025, CM APPL.
13805/2025

BHOOMI SHARMAPetitioner
Through: Ms. Meena Chaudhary, Advocate.

versus

GAURAV SHARMARespondent
Through: Mr. Amitesh Gaurav, Advocate

CORAM:
HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER
10.12.2025

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1. By virtue of the present transfer petition under *Section 24* of Code of Civil Procedure, 1908, the petitioner seeks transfer of respondent's divorce petition being HMA No. 3756/2024, entitled "***Gaurav Sharma vs. Bhoomi Sharma***" currently pending learned Family Court-01, South West District, Dwarka Courts, Delhi to learned Family Court, Rohini Courts, Delhi.
2. *Primarily*, it is the case of the petitioner that owing to her health conditions as also since as many as four proceedings *inter se* the parties are already pending adjudication before the Rohini Courts, Delhi, the respondent's divorce petition being HMA No. 3756/2024 pending before the Dwarka Courts, Delhi ought to be transferred before the learned Family Court, Rohini Courts, Delhi as well.
3. In furtherance of the aforesaid submissions, learned counsel for the petitioner has lately filed the medical documents of the petitioner which



run into approximately 94 pages. Relying thereupon, learned counsel submits that the petitioner's health condition is causing her repeated hardship and also since she is residing alone, travelling from her present abode to the Dwarka Courts, Delhi has become increasingly difficult for her.

4. Learned counsel for the respondent, on the other hand, submits that considering the nature of proceedings, it will never be possible for either of the Courts in Rohini, Delhi to take HMA No. 3756/2024 along with other pending matters. He further submits that the very same petitioner had earlier moved an application under *Section 19(2)* of the Hindu Marriage Act, 1955 before the learned Family Court, where the HMA No. 3756/2024 was pending, and the same was dismissed by a speaking order on 22.03.2025. The relevant extracts of the said order is reproduced as under:

“Ld. Counsel for petitioner undertakes to pay litigation expenses online during the course of the day of respondent.

An application u/s 19 (2) of the HMA e-filed by the respondent. Copy of transfer petition moved by respondent before Hon'ble High Court of Delhi and other documents also e-filed along with the application.

Respondent has prayed in this application that this court has no territorial jurisdiction and present petition may be returned to petitioner.

Petitioner in petition has pleaded that marriage was solemnized on 19.11.2018 at Green Garden, Near Rishikui School (Dwarka Flyover) Sector 7, Delhi.

Place of marriage as pleaded by the petitioner is admitted by the respondent.



Plea taken by the respondent that this court has no territorial jurisdiction is baseless. Hence, application filed by respondent u/s 19 (2) HMA is dismissed.”

5. He then submits that, though sufficient time has elapsed, the petitioner has not challenged the order dated 22.03.2025, which has therefore now attained finality and is binding upon the petitioner. As such, by way of the present petition the petitioner cannot now be permitted to have a second bite at the same cherry.

6. Having heard the arguments addressed by the learned counsel for the parties as also gone through the documents, this Court is convinced with the submissions made by the learned counsel for the respondent. As such, the same are not repeated herein for the sake of brevity.

7. Interestingly, although it was always the case of the petitioner in the present petition that she was under medical advice of a doctor to “...*...travel only when it is most urgent... ..*”, however, in the plethora of documents filed by the petitioner as late as on 29.09.2025, there is not even a shred of material to substantiate such a claim.

8. Furthermore, considering that the petitioner is seeking transfer of HMA No. 3756/2024, wherein the respondent has sought a decree of divorce under *Section 13(1)(ia)(ib)* of the Hindu Marriage Act, 1955, there is no requirement of personal presence of the petitioner before the learned Family Court on each occasion(s).

9. Lastly, since all the proceedings *inter se* the parties are relating to different provisions of law, and are also pending before different Court(s), there is no likelihood that HMA No. 3756/2024, of which transfer is sought, can be adjudicated with any of them. Also, the petitioner will



always be free to claim adjustment/ benefit of an order passed by one Court in one proceeding in the proceeding(s) pending before another Court(s).

10. In view of the aforesaid, the present petition alongwith the pending applications is dismissed.

SAURABH BANERJEE, J.

DECEMBER 10, 2025/So