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

+ TR.P.(C.) 68/2025
KANJIKA SAHNI

.....Petitioner

Through: Mr.Jagjit Singh Sahni with
Ms.Gurpreet Kaur and Amanpreet
Singh, Advocates.

versus

KUNAL THUKRAL

.....Respondent

Through: Ms. Sakshi Metiley with Ms. Harshita
Kumar, Mr. Sajal Manchanda, Mr.
Harsh Chaudhary, Advocates.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **25.04.2025**

CM APPL. 24502/2025

Exemption allowed, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed-of.

CM APPL. 24501/2025

By way of the present application filed under section 151 of the Code of Civil Procedure 1908 ('CPC'), the petitioner seeks condonation of about 41 days delay in *re-filing* the petition.

2. For the reasons stated in the application, which is duly supported by affidavit, the delay is condoned.
3. The application is allowed.
4. TR.P.(C.) No. 68/2025 is taken on Board.
5. The application stands disposed-of.

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TR.P.(C.) 68/2025

6. By way of the present petition filed under section 24 of the CPC, the petitioner seeks transfer of HMA No.1173/2022 titled “*Kunal Thukral vs. Kanika Sahni*” pending before the court of the learned Principal Judge, Family Courts, East District, Karkardooma Court Complex, Delhi to the court of the learned Principal Judge, Family Courts, Shahdara District, Karkardooma Court Complex, Delhi, where several other matters arising from the matrimonial dispute between the parties are also pending.
7. Mr. Jagjit Singh Sahni, learned counsel appearing for the petitioner submits, that the HMA petition was filed by the respondent (husband) in Gurugram, Haryana, mentioning the address of the petitioner (wife) as Jagriti Enclave, Shakarpur Baramad, East Delhi. He submits that on a petition filed by the petitioner seeking the transfer of the matter from Gurugram to Delhi, *vide* order dated 03.09.2024, the Supreme Court had directed as follows :

“(II) The H.M.A. No. 1173 of 2022 titled “Kunal Thukral vs. Kanika Sahni” pending before the Court of Ld. Principal Judge (Family Court) Gurugram, Haryana is directed to be transferred to the Court of competent jurisdiction, Karkardooma Court, Delhi.”

(emphasis supplied)

8. Mr. Sahni argues, that since the address mentioned in the memo of parties of the HMA petition was East Delhi, in compliance of the Supreme Court order, the petition was transferred to the court of the learned Principal Judge, *East District*, Karkardooma Court Complex,

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Delhi *instead of* the court of the learned Principal Judge, Family Court, *Shahdara*, Karkardooma Court Complex, Delhi.

9. Learned counsel submits, that, as a matter of fact, the petitioner's address falls within the territorial jurisdiction of the family court at *Shahdara District*, Karkardooma Court Complex, Delhi and not within the territorial jurisdiction of the family court at *East District*, Karkardooma Court Complex, Delhi; and that therefore the petition ought to be transferred to the court of correct territorial jurisdiction in order to obviate any subsequent objection under section 21 CPC.
10. Issue notice.
11. Learned counsel appears on behalf of the respondent on advance copy; accepts notice; and does not dispute that the petitioner's address falls within the territorial jurisdiction of the family court at *Shahdara District*, Karkardooma Court Complex, Delhi.
12. Learned counsel however submits that they are not aware of the address at which the petitioner *presently* resides and that the address indicated in the memo of parties of the HMA petition was the address at which the petitioner used to reside when the respondent was married to her.
13. Learned counsel for both sides fairly submit, that since by order dated 03.09.2024 made in Transfer Petition (Criminal) No. 922 of 2023, the Supreme Court had only directed the transfer of the HMA petition from Gurugram, Haryana to the "*Court of competent jurisdiction, Karkardooma Court, Delhi*"; and the matter appears to have been marked to the wrong jurisdictional court, this court has the power to

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transfer the matter to the court of correct territorial jurisdiction in exercise of powers under section 24 CPC.

14. In view of the foregoing, the petition is allowed; thereby directing that HMA No.1173/2022 be transferred *from* the file of the learned Principal Judge, Family Courts, *East District*, Karkardooma Court Complex, Delhi *to* the file of the learned Principal Judge, Family Courts, *Shahdara District*, Karkardooma Court Complex, Delhi.
15. For clarity, it is also recorded that upon transfer of the matter from Gurugram to Delhi, HMA No.1173/2022 is now numbered as HMA No. 1922/2024.
16. Let the needful be done within 02 weeks.
17. Petition stands disposed-of.
18. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

APRIL 25, 2025

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