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

+ **TR.P.(C.) 70/2025, CM APPL. 25387/2025**

KRITIKA CHADHA

.....Petitioner

Through: Ms. Akshita Manocha, Advocate via
video-conferencing.

versus

NITIN KUMAR TANWAR

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

29.04.2025

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By way of the present transfer petition filed under section 24 of the of the Code of Civil Procedure 1908 ('CPC') read with section 21-A of the Hindu Marriage Act 1950 ('HMA'), the petitioner seeks transfer of HMA No.548/2023 titled *Nitin Kumar Tanwar vs. Kritika Chadha* from the court of the learned Principal Judge, Family Court, Patiala House District Courts, New Delhi to the court of the learned Principal Judge, Family Court, Tis Hazari District Courts, New Delhi for joint trial and hearings with HMA No.1336/2023 titled *Kritika Chadha vs. Nitin Kumar Tanwar*.

2. Ms. Akshita Manocha, learned counsel appearing on behalf of the petitioner submits, that both the petitioner (wife) as well as the respondent (husband) have filed divorce petitions seeking dissolution of their marriage on various grounds.
3. Ms. Manocha submits, that on point of fact, the respondent (husband) has himself expressed willingness for the divorce petition filed by him to be transferred to the Patiala House Courts to be heard alongwith divorce petition filed by the petitioner (wife) before the Tis Hazari



Courts. In support of this submission, learned counsel places reliance on what is recorded in orders dated 03.08.2024, 05.11.2024 and 13.01.2025 recorded by the learned Family Court in HMA No.548/2023, which read as follows :

Order dated 03.08.2024

“Ld. counsel for respondent has pointed out that divorce petition filed on behalf of respondent to this petition is already pending in the Family Court, Tis Hazari.

The petitioner seeks some time for taking appropriate steps for transferring of this petition to Tis Hazari Court.”

Order dated 05.11.2024

“Petitioner submits that he has already taken steps for transfer of the instant petition to Tis Hazari Courts.

In view of submissions, put up for further proceedings on 13.01.2025.”

Order dated 13.01.2025

“Petitioner submits that the petitioner has not filed transfer petition before Hon'ble High Court. The transfer petition was filed by him in the court of Ld. Principal Judge, Family Court (HQs), however, the petition was not entertained for want of jurisdiction. He further submits that the petitioner is not financially capable enough to approach Hon'ble High Court for filing the transfer petition.

On the other hand, Ld. counsel for respondent has emphasized that this court has no jurisdiction to entertain the instant cross petition which has been filed after the divorce petition filed by the respondent which is pending in Tis Hazari Court, Delhi. She seeks some time to produce the case law in support of her submissions.”

4. Ms. Manocha accordingly argues, that in view of what has been recorded in the aforesaid orders, it is clear that the respondent also wants his divorce petition transferred from Patiala House Courts to Tis Hazari Courts but, by reason of a mistaken understanding of the



law, he had filed a transfer petition before the learned Principal Judge, Family Court (Headquarters), Dwarka District Courts, Delhi instead of filing it before this court, which petition was accordingly dismissed for lack of jurisdiction in view of section 24 CPC.

5. Upon being queried, learned counsel further informs the court that an advance copy of the present petition was served upon the respondent and he was also informed about the listing of the present matter in the course of proceedings in the divorce petition, which was listed today before the Patiala House Courts.
6. In view of what is submitted, and upon perusal of orders dated 03.08.2024, 05.11.2024 and 13.01.2025, copies of which have been appended to the petition, it is not considered necessary to issue notice to the respondent.
7. The transfer petition is allowed, thereby directing that HMA No. 548/2023 titled *Nitin Kumar Tanwar vs. Kritika Chadha* be transferred *from* the court of the learned Principal Judge, Family Court, Patiala House District Courts, New Delhi *to* the learned Principal Judge, Family Court, Tis Hazari District Courts, New Delhi. Let the file be transferred within 02 weeks.
8. Let a copy of this order be also communicated to the Principal District and Sessions Judge, Patiala House District Courts, New Delhi and the Principal District and Sessions Judge, Tis Hazari District Courts, New Delhi *forthwith*, for information and compliance.
9. Let a copy of this order be communicated by the Registry to the respondent *expeditiously*.
10. The petition stands disposed-of.



11. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

APRIL 29, 2025

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