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

+ **TR.P.(CRL.) 34/2025 & CRL.M.A. 14941/2025**

VIPUL GANDHI

.....Petitioner

versus

JYOTSANA BHATIA

.....Respondent

With

TR.P.(CRL.) 35/2025, TR.P.(CRL.) 36/2025 & TR.P.(CRL.) 37/2025

For Petitioner: Ms. Stuti Mishra, Mr. Sanjay Mishra, Advocates
in items no. 66 to 69

For Respondent: None

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

14.05.2025

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1. The Petitioner seeks transfer of certain cases pending before the concerned Courts in North West District, Rohini to any other District. The details of the cases sought to be transferred as follows:

(a) Complaint Case No.10318/2023, titled as 'Jyotsana Gandhi vs. Vipul Gandhi', pending in court of Judicial Magistrate First Class, Mahila Court-02, North West District, Rohini Court, Delhi (subject matter of TR.P.(CRL.) 34/2025);

(b) Maintenance Petition No.475/2023, titled as 'Jyotsana Bhatia vs. Vipul Gandhi', pending in Family Court, North West District, Rohini Court, Delhi (subject matter of TR.P.(CRL.) 35/2025 and TR.P.(CRL.) 36/2025);



(c) Execution Petition No.278/2024, titled as ‘Jyotsana Bhatia vs. Vipul Gandhi’, pending in Family Court, North West District, Rohini Court, Delhi (subject matter of TR.P.(CRL.) 37/2025).

2. The sole ground urged in support of the transfer is that the mother of the Respondent/Complainant, Ms. Jyotsana Bhatia, is employed as a Reader in one of the courts in the Rohini District Complex. It is, however, conceded by counsel for the Petitioner that she is not posted in any of the courts where the above matters are pending adjudication.

3. Transfer petitions under Section 407 CrPC (or Section 529 BNSS) are not to be allowed lightly, especially when sought solely on vague apprehensions or the occupation of a party’s relative. The Supreme Court has consistently held that mere apprehension of bias, without any credible material indicating a real likelihood of prejudice or influence, is not a valid ground to transfer proceedings from one court to another.¹

4. The fact that a party’s relative is employed in the same court complex, without more, is insufficient to warrant transfer. The Petitioner has not placed on record any material to suggest that the adjudicatory process has been, or is likely to be, influenced due to the Complainant’s mother’s employment in the same complex.

5. Allegations of false implication or bias must be addressed through appropriate legal remedies before the competent forum, and cannot, by themselves, constitute sufficient ground for seeking transfer of proceedings.

6. This Court finds no reason to accept the assertion that a court staff member, who is not even attached to the concerned court, can influence

¹ See *Gurcharan Dass Chadha v. State of Rajasthan* 1965 SCC OnLine SC 341 (Para 13) and *Umesh Kumar Sharma v. State of Uttarakhand & Ors.*, (2021) 12 SCC 517.



proceedings to such an extent as to create a real likelihood of bias. The apprehension expressed by the Petitioner is speculative and unfounded.

7. Accordingly, the present petitions are dismissed along with pending applications.

SANJEEV NARULA, J

MAY 14, 2025/ab