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

+ **TR.P.(C.) 94/2024 & CM APPL. 31726/2024-Stay**

SAPNA YADAV

.....Petitioner

Through: Mr. Vijay Pal Sharma and Ms.
Saumya Sharma, Advocates.

versus

MANOJ KUMAR

.....Respondent

Through: Ms. Harita Mehta and Ms. Jyoti
Kumar Advocates with respondent
in person

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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26.08.2025

1. By virtue of the present petition, the petitioner seeks transfer of GP/12/2023 pending before Learned Principal Judge, Family Court, Saket to the Competent Court of Learned Principal Judge, Family Court, Karkardooma, North East, Delhi.
2. Succinctly put, the petitioner has filed a petition under *Section 125* of the Criminal Procedure Code, 1973 (*Cr.P.C*) being Ct. Cases 431/2023, which is pending before the Learned Chief Metropolitan Magistrate, North East, District Karkardooma, Delhi as also another petition under *Section 12* of the Domestic Violence Act, 2005 Act being Mt. Cases no. 313/2023, which is pending before Learned Judicial Magistrate First Class (Mahila Court-02) North East, District Karkardooma, Delhi.
3. On the contrary, the respondent has filed a petition under *Sections 7,8,10 and 25* of the Guardians and Wards Act, 1980 (*GAWA*) being



GP/12/2023 before Learned Principal Judge, Family Court, Saket for appointing the custody of the child to the respondent.

4. Learned counsel for both parties, present with parties in person, submit that there is only one child born out of the wedlock, who is presently studying in a boarding school in Nainital since last year.

5. Learned counsel for the petitioner submits that due to differences having arisen *inter se* the parties, the petitioner has since left the matrimonial home in the month of January 2022 and has been thereafter residing with her old Father till date.

6. It was further submitted that under these circumstances, the petitioner, having meagre means, is finding it difficult to practically attend the hearings in the petition under *Sections 7,8,10 and 25* of the GAWA filed by the respondent before the Saket Courts, especially leaving the father alone.

7. Lastly, the learned counsel for the petitioner submits that the petitioner is not employed anywhere and is living on the *interim maintenance* fixed by the Learned Chief Metropolitan Magistrate, North East, District Karkardooma, Delhi in the petition filed by her under *Section 125 Cr.P.C.* He submits that the respondent, on the other hand is working in the sales department in a private company, and has the sources and means to fend for himself and attend the proceedings in the Karkardooma Courts.

8. In view of the facts and circumstances narrated above, as also since the respondent has the resources and means to travel, and considering the factual status of the petitioner this Court deems it appropriate to direct the petition bearing case no. GP/12/2023 pending before Learned Principal



Judge, Family Court, Saket be transferred and assigned to the Competent Court of Learned Principal Judge, Family Court, Karkardooma, North East, Delhi.

9. Accordingly, the present petition stands disposed of in the aforesaid terms.

10. A copy of this order be sent to the Learned Principal Judge, Family Court, Karkardooma, North East, Delhi for compliance.

SAURABH BANERJEE, J

AUGUST 26, 2025/Ab