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

+ **TR.P.(C.) 109/2025, CM APPL. 40356/2025**

ANJALI RALHAN

.....Petitioner

Through: Mr. Ankur Mahindro and Mr.
Ashish Garg, Advocates.

versus

AMAN RALHAN

.....Respondent

Through: Mr. Anshul Mittal, Ms. Khushi
Aggarwal and Ms. Ayushi Agarwal,
Adv.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

18.11.2025

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1. By way of the present petition filed under *Section 24* of the Code of Civil Procedure, 1908 (*'CPC'*), the petitioner *inter alia* seeks transfer of the respondent's divorce petition bearing HMA No.3187/2024 titled "***Aman Ralhan vs. Anjali Ralhan***" pending before the learned Family Court, Tis Hazari Court (West), New Delhi to the learned Family Court, Dwarka (South West District), New Delhi as also clubbing it with the petitioner's divorce petition being HMA No. 977/2025.

2. Learned counsel for the petitioner/ wife submits that the petitioner is residing with her senior citizen parents, along with her two minor children, son aged almost three years old and the daughter aged almost two years old. He further submits that although the petitioner recently got employed, however, she presently has no sufficient source of income and is dependent upon her parents for maintenance of herself and her children.



He further submits that the divorce petition filed by the respondent/ husband is not maintainable as the learned Family Court, Tis Hazari Court lacks territorial jurisdiction to adjudicate the same and the petitioner has already moved an application under *Order VII Rule 11* CPC to that effect.

3. Learned counsel for the respondent submits that the petitioner has sufficient income to maintain herself and is not dependent upon her parents. Qua the petitioner's application under *Order VII rule 11* CPC in HMA No.3187/2024, learned counsel submits that the same is of no relevance since it was moved only after the filing of the present petition and that too whence the petitioner had already appeared and even filed an application under *Section 24* of the Hindu Marriage Act, 1955 (***HM Act***) therein.

4. Learned counsel then, relying upon the *Section 21A* HM Act, submits that since the respondent's divorce petition being HMA No.3187/2024 was filed prior to the petitioner's divorce petition being HMA No. 977/2025, it is the petitioner's divorce petition that has to be transferred before the learned Family Court, Tis Hazari Court (West), New Delhi where the respondent's divorce petition is pending.

5. In rejoinder, learned counsel for the petitioner submits that *Section 21A* HM Act does not in any way curtail this Court power to transfer under *Section 24* CPC. He further submits that, in any event, no inconvenience will be caused to the respondent since he is residing in Romania. Moreover, he submits that since the territorial jurisdiction of HMA No.3187/2024 is under consideration, there is no point in transferring HMA No. 977/2025 to the learned Family Court, Tis Hazari Court (West), New Delhi and it would be in the interest of justice if the



respondent's petition is transferred to the learned Family Court, Dwarka (South West District), New Delhi.

6. This Court has heard the parties as also gone through the documents on record.

7. The Hon'ble Supreme Court in *N.C.V. Aishwarya v. A. S. Saravana Karthik Sha* [2022 SCC OnLine SC 1199] has categorically held that while considering a transfer petition under *Section 24 CPC*, the convenience of the wife is to be accorded primacy. The relevant extract thereof is reproduced as under:-

“The cardinal principle for exercise of power under Section 24 of the Code of Civil Procedure is that the ends of justice should demand the transfer of the suit, appeal or other proceeding. In matrimonial matters, wherever Courts are called upon to consider the plea of transfer, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of both the parties in eking out their livelihood and under whose protective umbrella they are seeking their sustenance to life. Given the prevailing socio-economic paradigm in the Indian society, generally, it is the wife's convenience which must be looked at while considering transfer.”

[Emphasis Supplied]

8. The same assumes more relevance in cases like the present one wherein the petitioner is, *admittedly*, living with both the minor children aged three and two years old along with her own old parents, who are themselves senior citizens. Further, the petitioner is to be treated as having no sufficient source of income for her own sustenance as also of the two minor children, and is, in fact, dependent upon her aged parents. The fact



that the respondent is also residing abroad is another consideration for allowing the present petition.

9. Regarding *Section 21A* HM Act, this Court is of the considered opinion that the power of this Court under *Section 24 CPC* to order transfer is of a wider and discretionary amplitude, more so, whence the factual matrix as here are involved. For that, the provision of *Section 21A HM Act* cannot come in any way in exercise of such power. Even otherwise, the factum that the HMA No.3187/2024 filed by the respondent was instituted prior in point of time to HMA No. 977/2025 is of little consequence, since it is an admitted position that the petitioner had already moved the application under *Order VII Rule 11 CPC* raising the issue of the territorial jurisdiction in HMA No.3187/2024, the stage for filing thereof by the petitioner is immaterial, more so, the petitioner was not precluded from filing it. Further, the appearance of the petitioner and filing of an application under *Section 24 HM Act* therein by her is not a bar for her to file the present transfer petition.

10. *Ergo*, in view of the aforesaid facts and circumstances and the judgment of Hon'ble Apex Court, it would be in the interest of justice as also in the interest of the parties, if the present petition is allowed and the respondent's divorce proceedings being HMA No.3187/2024 entitled "***Aman Ralhan vs. Anjali Ralhan***" is transferred from the Court of learned Family Court, Tis Hazari Court (West), New Delhi to the Court of the learned Family Court, Dwarka (South West District), New Delhi, so as to clubbed and tried together with HMA No.977/2025 titled as "***Anjali Ralhan vs. Aman Ralhan***" and with a direction to commence the proceeding(s) thereof from the stage which it was before.



11. The learned Family Court, Tis Hazari Court (West), New Delhi is directed to send the entire record pertaining to the HMA No.3187/2024 titled as “***Aman Ralhan vs. Anjali Ralhan***” to the Court of learned Family Court, Dwarka (South West District), New Delhi.

12. A copy of the present order be sent to the learned Principal District and Session Judge, Tis Hazari Court (West), New Delhi and the learned Principal District and Session Judge, Dwarka (South West District), New Delhi for information and compliance.

13. Needless to say, this Court has not commented and/ or decided upon the facts involved in the present case. As such, nothing herein will be treated as binding upon any of the parties or any other Court(s) of law.

14. Accordingly, the present transfer petition alongwith the pending application stands disposed of.

SAURABH BANERJEE, J

NOVEMBER 18, 2025/So