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

+ **TR.P.(C.) 181/2025**

AMIT

.....Petitioner

Through: Mr. Ravish Chandra Pathak,
Advocate through VC

versus

MUSKAN ALIAS GUDIYA

.....Respondent

Through: Mr. Gaurav Singh Gahalot and Mr.
P. Pratap Singh, Advocates

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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26.09.2025

CM APPL. 61961/2025 (for exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

TR.P.(C.) 181/2025

3. The petitioner, *vide* the present transfer petition under Section 24 of the Code of Civil Procedure, 1908 (**CPC**), seeks transfer of the suit being HMA No.940/2019 titled '**Amit v. Muskan @ Gudiya**' pending before the Court of the learned Judge Family Court, Rohini Courts, New Delhi to the Court of learned Family Court, Central District, Tis Hazari Courts, Delhi and to proceed with the said suit from the stage at which it was pending before the Rohini Courts, New Delhi.
4. It is the case of learned counsel for the petitioner that the present petition is involving the issue with respect to the learned Family Court,



wherein the present proceeding is pending, not having the jurisdiction for adjudicating the same. However, the same was continuing since the petitioner was under the *bona fide* belief that the present petition is maintainable under the jurisdiction of learned Family Court, Rohini Courts, North Delhi and since no objection of any kind had been taken by the other side. Whereas, the same is actually maintainable only before the learned Family Court, Central District, Tis Hazari Courts, Delhi.

5. Issue notice.

6. Learned counsel for the respondent appearing on advance notice accepts notice. He submits that he has no objection if the present petition is allowed.

7. As such, in the interest of justice and considering this Court is dealing with the matrimonial proceeding *inter se* the husband and wife, it is felt appropriate to allow the present petition.

8. As such, for the reasons stated therein, the present transfer petition is allowed and the petition being HMA No.940/2019 titled '**Amit v. Muskan @ Gudiya**' pending before the Court of the learned Judge Family Court, Rohini Courts, New Delhi is transferred to the Court of learned Family Court, Central District, Tis Hazari Courts, Delhi.

9. The learned Judge Family Court, Rohini Courts, New Delhi is directed to send the entire record pertaining to HMA No.940/2019 titled '**Amit v. Muskan @ Gudiya**' to the Court of learned Family Court, Central District, Tis Hazari Courts, Delhi.

10. A copy of the present order be sent to learned Judge Family Court, Rohini Courts, New Delhi and learned Family Court, Central District, Tis Hazari Courts, Delhi for compliance.



11. Accordingly, the present transfer petition is allowed and disposed of.

SAURABH BANERJEE, J

SEPTEMBER 26, 2025/So