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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **TR.P.(C.) 185/2024, CM APPL. 63677/2024, CM APPL. 5651/2025**
NAINI BAJAJPetitioner

Through: Appearance not given.

versus

RAHUL MAGOORespondent
Through: Mr. Rajiv Shukla, Ms. Shivani
Kapoor, Mr. Sanjay Kumar, Advs.

CORAM:
HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER
30.01.2025

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1. The present petition has been filed under Section 24 CPC on behalf of the petitioner for transfer of the Annulment Petition bearing H.M.A. No. 1374/2024 from the Court of Ld. Principal Judge, Family Court, South, Saket Courts, New Delhi to Karkardooma Courts, Shahdara District, Delhi.
2. Learned counsel for the petitioner submits that the proceedings under the Domestic Violence Act are also pending at Karkardooma District Courts, and therefore, it would be in the interest of justice that the present petition be also transferred. Learned counsel for the petitioner submits that the petitioner also lives near Karkardooma Courts. Learned counsel has also invited the attention of the Court to Annexure P-4 and P-5 to buttress his contention that the petitioner is being threatened by the respondent.



3. Learned counsel for the respondent has vehemently disputed the averments. Learned counsel submits that the petitioner is admittedly a highly educated lady and is working at the Indian Institute of Technology, Delhi (IIT Delhi) as Principal Project Scientist. Learned counsel submits that for her job, the petitioner daily travels from East Arjun Nagar, Delhi to IIT Delhi. Learned counsel for the respondent has further submitted that as far as Annexure P-4 and P-5 are concerned in no way it can be related to the petitioner.
4. This Court deems it pertinent to observe that while judicial precedents have historically favoured a liberal approach in allowing transfer petitions of maintenance proceedings at the behest of the wife, a paradigm shift in jurisprudential thinking necessitates a more circumspect approach. The contemporary judicial wisdom mandates that such transfer petitions ought to be scrutinised with greater vigilance, particularly where there exists *prima facie* evidence of mala fides or where the transfer is sought with the oblique motive of prejudicing the substantive rights of the opposite party. Reliance can be placed upon Anidita Das v. Dr Srijit Das (2006) 9 SCC 197; Krishna Veni Nagam v. Harish Nagam, (2017) 4 SCC 150, wherein the apex court has expounded upon the necessity of examining the *bonafides* of such transfer petitions to prevent abuse of the judicial process and also to make the arrangements like video conferencing facility, to an extent, reduce hardship to the litigants.
5. In the present case, admittedly the petitioner is a highly educated lady and she daily travels from Arjun Nagar, Delhi to IIT Delhi. The documents on record do not substantiate this. The proceedings which



are sought to be transferred are civil in nature. In order to balance the interests of the parties, Ld. Trial Court is directed to permit the petitioner to appear through VC unless and until her physical presence is required. Further, it will also be open to the Ld. Trial court to conduct the proceedings or record evidence of the witnesses who are unable to appear in court by way of video conferencing.

6. Having considered the submissions and the material on record, this Court finds that the present petition is bereft of merit and fails to establish any cogent grounds warranting interference. Consequently, the present petition, along with all pending applications, is hereby dismissed.

DINESH KUMAR SHARMA, J

JANUARY 30, 2025/AR/HT