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

+ **TR.P.(C.) 215/2024 & CM. APPL. 74865/2024**

**RAHUL DAWRA** .....Petitioner

Through: **Mr. Mayank Sharma, Adv.**

versus

**SMRITI ARORA** .....Respondent

Through: **Mr. Anindya Malhotra and Ms. Ishita Sherawat, Advs.**

**CORAM:**

**HON'BLE MR. JUSTICE SAURABH BANERJEE**

**ORDER**

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**01.09.2025**

1. The petitioner, *vide* the present petition under *Section 24* of the Code of Civil Procedure, 1908 (*CPC*), seeks transfer of the case bearing no. HMA No.2331/2022 titled as ***Rahul Dawra v. Smriti Arora*** pending before the learned Principal Judge, Family Court, Dwarka, New Delhi to the Court of the learned Principal Judge Family Court, South District, Saket District Court, New Delhi.

2. As per learned counsel for the petitioner, though the marriage *inter se* the parties was solemnized on 13.11.2019 in New Delhi, however, due to disputes and differences, the parties are residing separately since around *18 months* therefrom.

3. Subsequently, the petitioner filed the case bearing no. HMA No. 2331/2022 before the learned Family Court, Dwarka Courts, New Delhi and thereafter the respondent initiated proceedings under *Section 12* of the



Protection of Women from Domestic Violence Act, 2005 i.e., case no. 569/2023, which is pending before the learned Metropolitan Magistrate (Mahila Court), South District, Saket Courts, New Delhi. In the interregnum, the respondent filed an FIR bearing No.386/2022 under *Sections 498A/377/406/ 506/34* of Indian Penal Code, 1860 against the petitioner and his mother at PS: Saket, New Delhi being criminal case no.5743/2023, the proceedings qua which is going on before the Judicial Magistrate, First Class (Mahila Court), Saket District Court, New Delhi.

4. Learned counsel for the petitioner submits that the parties involved in the case bearing no. HMA No.2331/2022 as also the two aforementioned proceedings pending before the learned Family Court, South District, Saket District Court, New Delhi are the same. In fact, the factual matrix as well as the documentary evidence involved are also same in all the aforesaid proceedings.

5. Learned counsel for the petitioner prays that it will be easy for the respondent if the case bearing no HMA No.2331/2022 is transferred to the Family Court, South District, Saket District Court, New Delhi, particularly, since she is taking care of minor child who is residing with her.

6. On the other hand, learned counsel for the respondent fairly submits that though she has filed an application under *Order VII rule 11* of CPC in HMA No.2331/2022 which is still pending, however, considering the present disputes arising out of the matrimonial discord *inter se* the parties where the minor child is also involved, the respondent has no objection if the present petition is allowed.

7. As such, for the reasons stated therein and in view of the above



statement made by learned counsel for the respondent, the present petition is allowed and the case bearing no. HMA No.2331/2022 titled as ***Rahul Dawra v. Smriti Arora*** is transferred from the Court of learned Principal Judge, Family Court, Dwarka, New Delhi to the Court of the learned Principal Judge Family Court, South District, Saket District Court, New Delhi.

8. Learned counsel for the respondent submits that since the application under *Order VII rule 11* of CPC has become infructuous, the reply in the case bearing no. HMA No.2331/2022 shall be filed within a period of *two weeks* effective from the date of listing.

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

10. The learned Principal Judge, Family Court, Dwarka, New Delhi is directed to send the entire record pertaining to the suit being HMA No.2331/2022 titled as ***Rahul Dawra v. Smriti Arora*** to the Court of learned Principal Judge Family Court, South District, Saket District Court, New Delhi.

11. A copy of the present order be sent to the learned Principal Judge, Family Court, Dwarka, New Delhi and learned Principal Judge Family Court, South District, Saket District Court, New Delhi for compliance.

**SAURABH BANERJEE, J**

**SEPTEMBER 1, 2025/bh**