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

+ **TR.P.(C.) 49/2026 & CM APPL. 16184/2026**

SMT. POOJA SHARMA

.....Petitioner

Through: Mrs. Indira Goswami, Adv.
(DHCLSC), Mr. Bhavya Tokas, Ms.
Bhavya Khandelwal, Adv.

versus

SH. ASHISH OJHA

.....Respondent

Through: Mr. Vishal Arun Mishra with Ms.
Raveena Kashyap, Adv. through Vc.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

14.05.2026

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1. This hearing has been done through hybrid mode.
2. The present petition under Section 24 read with Section 151 of the CPC seeks the following prayers: -

“a) Transfer the HMA Pet. No. 1100 of 2025, titled as “Ashish Ojha vs. Pooja Sharma” presently pending adjudication before the Ld. Family Court, North-East Dist., Karkardooma Dist. Courts, Delhi, to the Ld. Principal Judge, Family Court, South-West Dist., Dwarka Courts, Delhi; and/or

a. Pass such other order(s), as this Hon’ble Court may deem fit and proper in the facts and circumstances of the case.”

3. Learned counsel for the petitioner/wife submits that on 30.10.2025, respondent/husband had filed a divorce case bearing HMA Petition No. 1100/2025 under Section 13(1)(ia) of the Hindu Marriage Act 1955 before the learned Family Court, North-East District, Karkardooma Courts, Delhi seeking dissolution of marriage with the petitioner by way of a decree of



divorce on the ground of cruelty.

4. Learned counsel for the petitioner submitted that the latter is majorly apprehending threats from her brother-in-law and husband of her sister-in-law in connection with the proceedings initiated by the petitioner against the respondent and his family members before the learned Chief Judicial Magistrate, Mahila Court, Dwarka Courts, New Delhi and before the Crime Against Women Cell, Dabri Police Station. Learned counsel for the petitioner further submitted that the latter is the sole/primary caretaker of her ailing mother, who is dependent upon the petitioner for her day-to-day care, and thus, it would be difficult for the petitioner to defend herself in the divorce petition filed by the respondent in Karkardooma Courts, as the said Court is very far from petitioner's place of residence. Learned counsel for the petitioner points out that the latter is monetarily dependent on her daily wager father, who is a plumber and is not only providing medication expenses towards the petitioner's mother but is also supporting the petitioner's brother in his studies. Thus, it is difficult for the petitioner to ask for conveyance expenses from her father. It is further submitted that the proceedings under Protection of Women from Domestic Violence Act 2005 preferred by the petitioner before the learned Mahila Court, Dwarka, are already pending and therefore, it would be convenient for the petitioner, if the subject divorce petition is also transferred to the Dwarka Courts.

5. Learned counsel for the respondent submits that it has been falsely stated in the present petition that the petitioner is receiving threats from the respondent and his family members.

6. Heard learned counsel for the parties and perused the records.

7. The Hon'ble Supreme Court in **Ruchi Rawat v. Principal Judge,**



Family Court, Etah & Anr., 2022 SCC OnLine SC 2036, had observed and held as under: -

“4. It is well-settled that in matrimonial matters generally, it is wife's convenience which must be looked at while considering the transfer. In *N.C.V. Aishwarya v. A.S. Saravana Karthik Sha* (Civil Appeal No. 4894 of 2022, disposed of on 18.07.2022), it was held as under:

“9. 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.””

8. In these circumstances, if the subject divorce petition is not transferred, it would cause undue hardship to the petitioner. Therefore, it will be in the interest of justice that the subject divorce petition is transferred.

9. In view thereof, the subject divorce petition bearing HMA Petition no. 1100/2025 pending before the learned Family Court, North-East District, Karkardooma Courts, Delhi, is transferred to the learned Principal Judge, Family Court, South-West District, Dwarka Courts, Delhi. Needless to state that the transferee Court shall proceed with the subject divorce petition from the stage, it is being transferred.

10. The present petition is allowed and disposed of accordingly.

11. Let the records of HMA Petition No. 1100/2025 be transferred to the



concerned transferee Court within a period of 10 days from today. Parties are directed to appear before the concerned learned Court accordingly.

12. Needless to state that nothing stated hereinabove is an opinion on the merits of the case, and any observations made herein are only for the purposes of the present petition.

13. Copy of the order be sent to the learned Family Court, North-East District, Karkardooma Courts, Delhi and the learned Principal Judge, Family Court, South-West District, Dwarka Courts, Delhi, for necessary information and compliance.

14. Pending application(s), if any, also stands disposed of.

15. Order be uploaded on the website of this Court, *forthwith*.

AMIT SHARMA, J

MAY 14, 2026/kr/sg