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

+ TR.P.(C.) 33/2021

SMT. SARITA JOSHI Petitioner

Through: Mr. R. S. Juneja, Adv. (through VC)

versus

RAVINDRA BHUSHAN JOSHI Respondent

Through: Mr.D. K. Sharma, Adv. along with
respondent in person.

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Date of Decision: 18th October, 2022

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. The present transfer petition has been filed by the petitioner-wife for transfer of CS No.6 of 2020 titled as “Sh. Ravindra Bhushan Joshi v. Smt. Sarita Joshi” pending before the Principal Judge, Family Court, South West District, Dwarka Courts to the Principal Judge, Family Court, East District of Karkardooma Court.
2. It has been submitted that in the Karkardooma Court, the petition under Section 12 of Domestic Violence Act, 2005 and petition under Section 125 Cr. PC bearing No. 2712/2017 are pending.
3. It has been submitted that the petitioner is 68 years of age. It has further been submitted that since two litigations are also pending in the Karkardooma Court. The present suit may also be transferred to

the Karkardooma Court.

4. Learned counsel for the respondent has vehemently opposed the same. It has been submitted that the respondent –husband is 72 years of age. Learned counsel for the respondent submits that even in the affidavit, wrong address has been given. Learned counsel also submits that the petitioner-wife has been enjoying all the benefits and the present application has been moved just to harass the respondent.
5. The exercise of the jurisdiction while transferring the petition particularly in the matrimonial disputes, has to be undertaken in such a manner that there should not be any inconvenience caused to either of the parties. It is a settled practice that in such matters, the convenience of the wife has to be seen more. The request of the petitioner-wife can be declined only if there are weighty reasons behind the same.
6. I do not see any reason in the present case to decline the request of the petitioner-wife for transfer of the case. Hence, the CS No.6 of 2020 titled as Sh. Ravindra Bhushan Joshi v. Smt. Sarita Joshi pending before the Principal Judge, Family Court, South West District, Dwarka Courts is withdrawn and assigned to the Principal Judge, Family Court, East District of Karkardooma Court.
7. The transferee Court is directed to send complete record to the transferor Court.
8. Parties are directed to appear before the Principal District & Sessions Judge, East District of Karkardooma Court on 27th October, 2022.
9. Learned Trial Court may consider the dates in such a manner that all the petitions are taken up on a single day.

10. Copy of this order be sent to the Principal District & Sessions Judge, South West District, Dwarka Courts as well as the Principal District & Sessions Judge, East District of Karkardooma Court.

11. In view of the submission made, the present petition stands disposed of.

DINESH KUMAR SHARMA, J

OCTOBER 18, 2022

Pallavi

सात्यमेव जयते