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* **IN THE HIGH COURT OF DELHI AT NEW DELHI****Date of decision: 16.09.2026**# **CNR No. DLHC010828362025**+ **TR.P.(C.) 194/2025 & CM APPL. 67018/2025 (Stay)****RAVINA DAHIYA**

.....Petitioner

Through: Mr. Ankur Chhibber, Senior
Advocate along with Ms. Illa
Shree, Mrs. Hemlatha Mahur
and Mr. Nikunj, Advocates.

versus

AMAN KUMAR

.....Respondent

Through: Mr. Y.D. Sharma and Mr. Man
Mohan Yadav, Advocates along
with Respondent through video-
conferencing.**CORAM:****HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

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JUDGEMENT (Oral)

1. The present Petition has been filed under Section 24 read with Section 151 of the Code of Civil Procedure, 1908, seeking the transfer of the case being HMA No.1316/2025 titled "*Aman vs. Ravina Dahiya*", pending before the Court of the learned Principal Judge, Family Court, South-West District, Dwarka Courts, Delhi, to the Court of the learned Principal Judge, Family Court, North-West District, Rohini Courts, Delhi.

2. Learned counsel appearing on behalf of the Petitioner submits that there are numerous other petitions which are pending before the learned Rohini Courts and therefore no impediment would be caused if the captioned HMA is transferred from Dwarka Courts to the Rohini



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Courts. The details of the same are as follows:

- (i) DV Complaint u/s 12 PWDV Act, 2005 - Ct. Case No. 1538/2024, pending before Ld. CMM, Rohini Courts;
- (ii) Maintenance Petition u/s 144 BNSS, 2023 - Maint. Petition No. 424/2025, pending before Ld. Principal Judge, Family Courts, Rohini;
- (iii) FIR No. 285/2024 (02.08.2024) - u/ss 112(2), 126(2), 351(2), 79 & 3(5) BNS, 2023 - P.S. Prashant Vihar - triable by Ld. MM, Rohini Courts;
- (iv) FIR No. 706/2024 (29.10.2024) - u/ss 498-A/406/34 IPC - P.S. Bawana - triable by Ld. MM, Rohini Courts; and
- (v) FIR No. 790/2024 (29.12.2024) - u/ss 117(2), 126(2), 351(2) & 3(5) BNS, 2023 - P.S. Prashant Vihar - triable by Ld. MM, Rohini Courts.

3. She further submits that the Petitioner is residing in a rented accommodation near her parental residence at Pooth Khurd, Delhi and is also shouldering the responsibility of caring for herself and her minor twin daughters. It is further submitted that considerable hardship would be caused to the Petitioner in pursuing the case before the Court of the learned Principal Judge, Family Court, South-West District, Dwarka Courts, Delhi.

4. It is also submitted that the Respondent has substantial resources and would be able to manage to prosecute the litigation in any Court as opposed to the Petitioner herein, who has to take care of various aspects, *inter alia*, the upbringing of two minor daughters.

5. **Per contra**, learned counsel appearing on behalf of the Respondent, along with the Respondent, who joins the proceedings through video-conferencing, objects to the said transfer. It is



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submitted, rather strangely, that this is the only petition in which the Respondent can choose where the matter is to be prosecuted and, therefore, the matter ought not to be transferred from the Dwarka Courts to the Rohini Courts. It is further submitted that there is allegedly a threat to the Respondent in Rohini and, consequently, that the matter ought not to be transferred there.

6. It is also submitted, rather vehemently, that the Petitioner does not, in fact, reside in the vicinity of the Rohini Courts and has merely fabricated documents in an attempt to bring the petition within the jurisdiction of the Rohini Courts.

7. This Court has heard learned counsel appearing on behalf of the parties and has also perused the contents of the petition as well as the written submissions filed on behalf of the Respondent.

8. At the outset, this Court observes that what is sought to be argued before this Court orally today has not been submitted or averred in the written submissions filed on behalf of the Respondent. Furthermore, all these submissions are totally unsubstantiated by any document.

9. The power of transfer under Section 24 of the Code of Civil Procedure, 1908 is discretionary in nature and is required to be exercised keeping in view the interests of justice. In matrimonial proceedings, while considering an application for transfer, the Court is required to take into account the circumstances and relative convenience of the parties, including their economic position, place of residence, the responsibility of looking after minor children, and the inconvenience that may be caused in prosecuting the proceedings at the existing forum.

10. In the present case, the Petitioner has placed on record that as



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many as five other proceedings, including proceedings under the Protection of Women from Domestic Violence Act, 2005, a maintenance proceeding and criminal proceedings arising out of FIRs, are pending before, or are triable by, the Courts at Rohini. The Respondent has not disputed the pendency of these proceedings. The fact that several connected proceedings between the parties are already pending before the Courts at Rohini is a relevant circumstance while determining the appropriate forum for the present matrimonial proceedings. The transfer would, therefore, also facilitate the Petitioner in prosecuting the various proceedings arising between the parties at one place.

11. The Petitioner has further submitted that she is residing in rented accommodation in the vicinity of her parental home at Pooth Khurd, Delhi, and is responsible for the care and upbringing of her two minor daughters. The fact that the Petitioner has to attend proceedings at a Court situated at a considerable distance from her place of residence, while simultaneously attending to the needs of two minor children, constitutes a relevant consideration in assessing the hardship likely to be occasioned to her. The Supreme Court has, in the context of matrimonial transfer proceedings, specifically considered the difficulties faced by a wife having the responsibility of looking after minor children while attending proceedings at a distant forum.

12. On the other hand, the objection raised on behalf of the Respondent is primarily founded on an alleged threat to him at Rohini and on the assertion that the Petitioner has fabricated documents to show her residence within the jurisdiction of the Rohini Courts. However, as noticed hereinabove, these allegations do not find any corresponding assertion in the written submissions filed on behalf of



the Respondent, nor have any documents or other material been placed before this Court in support thereof. The allegations, therefore, remain unsubstantiated.

13. This Court is also unable to accept the submission that the Respondent ought to be permitted to choose the forum merely because, according to him, this is the only proceeding in which he has such an opportunity. The jurisdiction under Section 24 CPC is not intended to confer an unfettered choice of forum upon either party. The question before this Court is whether, having regard to the circumstances of the parties and the material placed on record, the ends of justice would be better served by transferring the proceedings to the proposed transferee Court.

14. In this regard, the fact that the Respondent is required to contest several other proceedings before the Courts at Rohini is also relevant. Thus, the transfer cannot be said to operate solely to the advantage of the Petitioner. More importantly, the Respondent has not placed any cogent material before this Court to demonstrate that his alleged threat at Rohini is such as would render it unsafe or impracticable for him to participate in the proceedings before the transferee Court. The mere assertion of such a threat, without supporting material, cannot outweigh the circumstances placed on record by the Petitioner.

15. The present case is, therefore, not one where the prayer for transfer rests merely upon the general proposition that the convenience of the wife should invariably prevail. Rather, the circumstances taken cumulatively indicate that the Petitioner has to prosecute several connected proceedings at Rohini, resides in the vicinity of her parental home at Pooth Khurd, and is also responsible for the care of her two minor daughters. These circumstances, coupled with the absence of



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any substantiated prejudice to the Respondent, persuade this Court that the ends of justice would be served by transferring the present proceedings to the Family Court at Rohini.

16. Accordingly, having regard to the totality of the circumstances and the interests of justice, this Court is of the view that there is no impediment in transferring the matter from the Court of the learned Principal Judge, Family Court, South-West District, Dwarka Courts, Delhi, to the Court of the learned Principal Judge, Family Court, North-West District, Rohini Courts, Delhi.

17. Accordingly, the present Petition is allowed. The case being HMA No.1316/2025 titled "*Aman vs. Ravina Dahiya*", pending before the Court of the learned Principal Judge, Family Court, South-West District, Dwarka Courts, Delhi, is directed to be transferred to the Court of the learned Principal Judge, Family Court, North-West District, Rohini Courts, Delhi, at the stage at which it presently stands.

18. The learned Principal Judge, Family Court, South-West District, Dwarka Courts, Delhi is requested to ensure that the complete case record is transmitted to the learned Principal Judge, Family Court, North-West District, Rohini Courts, Delhi within a period of four (04) weeks from today.

19. With the aforesaid directions, the present Petition, along with pending application(s), if any, stands disposed of.

HARISH VAIDYANATHAN SHANKAR, J.
SEPTEMBER 16, 2026/tk/va