

(2026) 08 DEL CK 4215
In the Delhi High Court, Principal Bench, New Delhi
Case No : TR.P.(C.) 178/2024

Shruti Jain

APPELLANT

Vs

Manoj Jain

RESPONDENT

Date of Decision : 03-08-2026

Acts Referred:

Code of Civil Procedure, 1908 — Section 24, 151
Hindu Marriage Act, 1955 — Section 13(1)(ia) and (ib)

Citation : (2026) 08 DEL CK 4215

Hon'ble Judges : Harish Vaidyanathan Shankar, J

Bench : Single Bench

Advocate : Ms. Payal Chawla, Ms. Anushka, Mr. Arpit Rawat

Judgement

1. The present Petition has been filed under Section 24 read with Section 151 of the Code of Civil Procedure, 1908, seeking transfer of the petition under Section 13(1)(ia) and (ib) of the Hindu Marriage Act, 1955, titled "*Sh. Manoj Jain v. Smt. Shruti Jain*", bearing HMA No. 1762/2022, pending before the Court of the learned Principal Judge, Family Court, North-West, Rohini Courts, New Delhi, to the Court of the learned Principal Judge, Family Court, East, Karkardooma Courts, Delhi.

2. Learned counsel appearing on behalf of the Petitioner submits that the Petitioner is presently residing at Mayur Vihar Phase-III, Delhi, and that the distance between her residence and the Rohini Courts is considerable, making it extremely difficult for her to attend the proceedings on every date of hearing.

3. She further submits that the Petitioner is the primary caregiver of the minor daughter born out of wedlock, who is suffering from Hemangioma, a medical condition requiring constant care and attention. It is submitted that the Petitioner's responsibilities towards the minor child, coupled with the long travel involved, cause considerable hardship.

4. It is also submitted that, apart from taking care of the minor child, the

Petitioner is also attending to her aged and ailing parents.

5. She additionally submits that the Petitioner is herself suffering from ailments relating to low blood pressure and fluctuating sugar levels, which further aggravate the inconvenience caused by travelling to the Rohini Courts.

6. It is, therefore, contended that transfer of the proceedings would subserve the interest of justice and facilitate expeditious adjudication.

7. **Per contra**, learned counsel appearing on behalf of the Respondent submits that the Petitioner has appeared before the learned Family Court at Rohini on earlier occasions and, therefore, no case for transfer is made out.

8. He further submits that the proceedings being civil in nature do not require the Petitioner's personal presence on every date and that her presence would be necessary only at the stage of recording of evidence.

9. At the same time, learned counsel appearing on behalf of the Respondent fairly does not dispute that the minor daughter is suffering from Hemangioma, which necessitates constant care and attention.

10. This Court has heard the learned counsel appearing on behalf of the parties and has perused the material placed on record.

11. Having regard to the fact that the Petitioner is the primary caregiver of the minor child, whose medical condition is not in dispute, coupled with the circumstance that multiple proceedings between the parties are already pending before the Courts at Karkardooma, this Court is of the considered opinion that the balance of convenience lies in favour of the Petitioner.

12. Requiring the Petitioner to travel repeatedly from Mayur Vihar Phase-III to Rohini would undoubtedly cause avoidable hardship, particularly in view of the special care required by the minor child.

13. Accordingly, the present Petition deserves to be allowed.

14. Resultantly, the petition under Section 13(1)(ia) and (ib) of the Hindu Marriage Act, 1955, bearing HMA No. 1762/2022, titled "*Sh. Manoj Jain v. Smt. Shruti Jain*", is directed to be transferred from the Court of the learned Principal Judge, Family Court, North-West, Rohini Courts, New Delhi, to the Court of the learned Principal Judge, Family Court, East, Karkardooma Courts, Delhi.

15. The learned Principal Judge, Family Court, North-West, Rohini Courts, New Delhi, shall transmit the entire record of the aforesaid proceedings to the learned Principal Judge, Family Court, East, Karkardooma Courts, Delhi, within a period of four (04) weeks from today.

16. The present Petition, along with all pending application(s), if any, stands disposed of in the aforesaid terms.