

S. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			C24 No. 12 of 2022 <u>Hon'ble Manoj Kumar Tiwari, A.C.J.</u> Mr. Lalit Sharma, Advocate for the petitioner. 2. Mr. A.M. Saklani, Advocate for the respondent. 3. Applicant has filed this application under Section 24 CPC for transfer of a suit filed under Section 13 of Hindu Marriage Act by her husband (respondent herein). The said suit is pending before Family Court at New Tehri, District Tehri Garhwal. Applicant has prayed for its transfer to Family Court at Dehradun. The ground taken for seeking transfer is that applicant is without any source of income; she is not getting maintenance from her husband and father of respondent is a practicing advocate at New Tehri, who has great degree of influence, therefore, applicant would not get justice from the Court of New Tehri. Balance of inconvenience has also been taken. 4. Learned counsel for applicant submits that respondent is serving at Delhi, therefore, it would be easy for the respondent to visit Dehradun, instead of Tehri Garhwal, if the case is transferred to Dehradun. 5. Learned counsel for respondent, however, submits that his client is paying Rs.8,000/- a month as maintenance to applicant and further that father of respondent has obtained a decree from Civil Court, which provides disentitling of respondent and applicant from his self acquired property. Thus, he submits that the contention raised by the applicant that due to influence of respondent's father, she will not get the

		justice, is without any substance. 6. Law is well settled that in a matrimonial dispute, where the wife seeks transfer of proceedings from one place to another, the convenience of the wife has to be given precedence. In the present case, the wife is residing at Dehradun, therefore, she would be facing difficulty in visiting Tehri Garhwal on each and every date of hearing in the divorce suit, as Tehri is at a distance of more than 100 kilometres from Dehradun. 7. It is not in dispute that respondent is appearing before Family Court at Dehradun in the application filed under Section 125 CrPC by the applicant, therefore, the applicant will face less difficulty, if the suit for divorce is transferred to Dehradun. 8. Accordingly, the Transfer Application filed by the applicant-wife is allowed. Original Suit No. 124 of 2021 filed by respondent before Family Court at New Tehri, District Tehri Garhwal is hereby transferred to a competent Court at Dehradun. Respondent shall be at liberty to make application for consolidating the divorce suit with the maintenance application filed by the applicant. The transferee court is requested to make endeavour to decide the divorce suit as early as possible. Family Court, Tehri Garhwal shall transmit the record of original suit to the Family Court at Dehradun. 9. Registry shall communicate this order to both the Courts within a week. (Manoj Kumar Tiwari, A.C.J.) 21.12.2023 Navin
--	--	---