

Court No. - 2

Case :- TRANSFER APPLICATION (CIVIL) No. - 65 of 2023

Applicant :- Smt. Divyasiksha Singh

Opposite Party :- Vaibhav Singh

Counsel for Applicant :- Santosh Kumar Upadhyay, Vinod Kumar Upadhyay

Counsel for Opposite Party :- Santosh Kumar Singh

Hon'ble Saral Srivastava, J.

1. Heard learned counsel for the applicant and learned counnsel for opposite party.

2. The present transfer application has been filed by the applicant-wife seeking transfer of case No.546 of 2020 (Vaibhav Singh v. Smt. Divyasiksha Singh), pending before the Court of Principal Judge, Family Court, Jaunpur to the competent Court at Ghazipur.

3. It is submitted by learned counsel for the applicant that the applicant is residing with her parents. It is further submitted that there is no one in the family to accompany the opposite party to Jaunpur to contest the case. It is further submitted that case No.781 of 2020, under Section 125 Cr.P.C. & another case under Section 12 of Protection of Women From Domestic Violence Act are pending before the competent court at Ghazipur. It is further submitted that distance from house of applicant to Jaunpur is about 1 50 kilometers and she has no source of income to meet the litigation expenses and other expenses which is to be incurred in travelling from her house to Jaunpur to contest the case instituted by opposite party at Jaunpur on each and every date fixed in the matter. It is further submitted that financial condition of the applicant is not good to do pairvi in the case. It is also submitted that balance of convenience also lays in favour of the applicant, and if the case is allowed to be proceeded at Jaunpur, she would suffer serious prejudice.

4. In the counter affidavit, the distance from house of applicant to Jaunpur is about 80 Km. It is further stated that if the case is transferred to Ghazipur that will cause prejudice to the opposite party because the distance from home of opposite party to Ghazipur is more than 130 Km. and the applicant has to travel longer distance.

5. Even if presuming that if the case is transferred to Ghazipur, the opposite party may have to travel the longer distance, but the fact that there is no one in the family of applicant to accompany her to Jaunpur to contest the case has not been denied.

6. It is settled in law that convenience of wife is to be looked into in case of dispute between husband and wife. Therefore, considering the hardship which is being faced by the applicant-wife, it is a fit case where this Court should exercise its power to transfer the case from District Jaunpur to Ghazipur.

7. In such view of the fact, the Case No.546 of 2020 (Vaibhav Singh v. Smt. Divyasiksha Singh), pending before the Court of Principal Judge, Family Court, Jaunpur is transferred to the court of Principal Judge, Family Court, Ghazipur.

8. The Principal Judge, Family Court, Jaunpur is directed to remit the record of Case No.546 of 2020 (Vaibhav Singh v. Smt. Divyasiksha Singh) to the court of Principal Judge, Family Court, Ghazipur for disposal of the same.

9. The Transfer Application is **allowed** with no order as to costs.

Order Date :- 30.10.2023

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