

Court No. - 4

Case :- TRANSFER APPLICATION (CIVIL) No. - 68 of 2023

Applicant :- Ayushi Singh

Opposite Party :- Vikram Singh

Counsel for Applicant :- Deepak Rana, Pallavi Rani

Counsel for Opposite Party :- Abhishek Singh, Prabhakar Dubey

Hon'ble Prakash Padia, J.

1. From perusal of the counter affidavit filed by the respondent it appears that various personal chats were annexed as Annexure No. (1).

2. This Court is of the opinion that this kind of papers should not be permitted to be record of the proceeding before this Court.

3. In this view of the matter, Registry is directed not to issue the photocopy of the aforesaid counter affidavit to any of the parties in future.

4. The present petition has been filed under Section 24 of the C.P.C. with the prayer to transfer the Marriage Petition No.1901 of 2021 from court of Principal Judge, Family Court, Allahabad to the court of Principal Judge, Family Court, Varanasi.

5. It is stated in the affidavit filed in support of the present transfer application that opposite party namely Vikram Singh, has filed a case under Section 13 of the Hindu Marriage Act, against the applicant before the Principal Judge Family Court, Allahabad on 29.7.2021, in which the notices were issued to the applicant. It is further stated in paragraph no. 8 that the opposite party is trying to harass and humiliate the applicant. It is further stated in paragraph no. 9 that on account of demand of dowry, the applicant had lodged an FIR against opposite party and his family members on 27.11.2021. It is further submitted that the applicant has also filed an application under Section 125 Cr.P.C. for maintenance in the court of Principal Judge, Family Court, Varanasi, in the year 2022, which was registered as maintenance case no. 81 of 2022. It is further stated in paragraph no. 11 that the applicant has no source of income to bear her expenses, hence she is residing with her parents in their parental house since 12.6.2021.

6. In this view of the matter, it is prayed by learned counsel for the applicant that the Marriage Petition No.1901 of 2021 pending in

the court of Principal Judge, Family Court, Allahabad be transferred to Principal Judge, Family Court, Varanasi.

7. Heard learned counsel for the parties and perused the record.

8. From perusal of the record it transpires that the applicant is resident of District- Varanasi, and in view of the settled preposition of law, this Court is of the firm opinion that the Marriage Petition No.1901 of 2021 filed under Section 13 of the Hindu Marriage Act, pending in the Court of Principal Judge, Family Court, Allahabad shall stand transferred to Principal Judge, Family Court, Varanasi.

9. Principal Judge, Family Court, Allahabad is directed to transfer the entire record of the aforesaid case to Principal Judge, Family Court, Varanasi within a period of ten days.

10. Both the parties are permitted to appear before court below i.e. Principal Judge, Family Court, Varanasi on 17.1.2024.

11. Further direction is issued to the Principal Judge, Family Court, Varanasi to consider and decide the aforesaid case within a period of one year, strictly in accordance with law.

12. Registrar (Compliance) is directed to forward a copy of this order to Principal Judge, Family Court, Allahabad within a period of four days.

Order Date :- 11.12.2023

S.K.