

Court No. - 2

Case :- TRANSFER APPLICATION (CIVIL) No. - 105 of 2023

Applicant :- Smt. Mamta Manchanda

Opposite Party :- Sri Amit Manchanda

Counsel for Applicant :- Km Preete

Counsel for Opposite Party :- Brijesh Kumar Mishra, Devashish Tripathi, Sachin Puri

Hon'ble Saral Srivastava, J.

1. List has been revised. Learned counsel for the applicant is present. Learned counsel for the respondent is not present.

2. Heard learned counsel for the applicant.

3. The present application has been filed by the applicant-wife seeking transfer of Matrimonial Case No.2171 of 2022 (Sri Amit Manchanda Vs. Mamta Manchanda), under Section 13 of the Hindu Marriage Act pending in the court of Principal Judge, Family Court, District Agra to the competent Court at Gautam Buddh Nagar.

4. It is submitted by the learned counsel for the applicant that the applicant has two child and is residing in her parental house at Gautam Buddh Nagar. It is submitted that distance from Gautam Buddh Nagar to Agra is around 100 kilometres and applicant has no source of income to meet the litigation expenses and other expenses which is to be incurred in travelling from Gautam Buddh Nagar to Agra to contest the case instituted by opposite party at Agra on each and every date fixed in the matter. It is further submitted that there is no member in her family to go with her to contest the proceedings. It is further submitted that no amount towards maintenance is being paid to the applicant by the opposite party. 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 lay in favour of the applicant, and if the case is allowed to be proceeded at Agra, applicant would suffer serious prejudice.

5. The opposite party has neither put in appearance nor filed any counter affidavit, therefore, the averments contained in the affidavit filed in support of the transfer application are unrebutted

and they are being treated to be correct.

6. It is settled in law that convenience of wife is to be looked into in case of dispute between the 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 Agra to District Gautam Buddh Nagar.

7. Accordingly, the Matrimonial Case No.2171 of 2022 (Sri Amit Manchanda Vs. Mamta Manchanda), under Section 13 of the Hindu Marriage Act pending in the court of Principal Judge, Family Court, District Agra is transferred to the court of Principal Judge, Family Court, Gautam Buddh Nagar.

8. The Principal Judge, Family Court, Agra is directed to remit the record of Matrimonial Case No.2171 of 2022 (Sri Amit Manchanda Vs. Mamta Manchanda), under Section 13 of the Hindu Marriage Act to the court of Principal Judge, Family Court, Gautam Buddh Nagar for its disposal.

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

Order Date :- 1.12.2023

R.S. Tiwari