

Court No. - 2

Case :- TRANSFER APPLICATION (CIVIL) No. - 283 of 2023

Applicant :- Shweta Sahu

Opposite Party :- Satendra Pratap Gupta

Counsel for Applicant :- Udai Chandani

Counsel for Opposite Party :- Prateek Kumar

Hon'ble Saral Srivastava,J.

1. Heard learned counsel for the applicant and learned counsel for the respondent/opp. party.
2. The present transfer application has been filed by the applicant who is wife of the respondent/opp. party praying for transfer of Matrimonial Case No.1087 of 2022 bearing Computerized Case No.CNR-UPBJ020027122022 (Satendra Pratap Gupta Vs. Shweth Sahu), under Section 13 of Hindu Marriage Act, pending in the Court of Principal Judge, Family Court, Bijnor to the Court of Principal Judge, Family Court, Lucknow.
3. It is contended by the learned counsel for the applicant that the applicant-wife has no source of income and no amount of maintenance is being to her by the opp. party, on account of which she is dependent upon her parents and is living at her parental house in District Lucknow, therefore, in such circumstances, it is very difficult for the applicant to bear the expenses in travelling from District Lucknow to District Bijnor to contest the case instituted by opposite party at District Bijnor on each and every date. Necessary averments in this respect have been made in paragraph nos. 15 & 19 of the affidavit filed in support of the transfer application. It is submitted that balance of convenience also lay in favour of the applicant-wife and if the case instituted by the opp. party-husband is allowed to be proceeded at District

Bijnor, the applicant would suffer serious prejudice.

4. A counter affidavit has been filed by the respondent/opp. party denying the averments made in the affidavit filed in support of the transfer application and reply to the averment made in paragraph no.15 has been given in paragraph no.14 of the counter affidavit but no specific denial has been made to the said averments in paragraph no.14 of the counter affidavit.

5. It is settled in law that the convenience of the 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 power to transfer the case from District Bijnor to District Lucknow in the interest of justice.

6. Accordingly, Matrimonial Case No.1087 of 2022 bearing Computerized Case No.CNR-UPBJ020027122022 (Satendra Pratap Gupta Vs. Shweth Sahu), under Section 13 of Hindu Marriage Act, pending in the Court of Principal Judge, Family Court, Bijnor is transferred to the Court of Principal Judge, Family Court, Lucknow.

7. The Principal Judge, Family Court, Bijnor is directed to remit the record of Matrimonial Case No.1087 of 2022 bearing Computerized Case No.CNR-UPBJ020027122022 (Satendra Pratap Gupta Vs. Shweth Sahu) to the Court of Principal Judge, Family Court, Lucknow for its disposal.

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

Order Date :- 6.12.2023

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