

Court No. - 2

Case :- TRANSFER APPLICATION (CIVIL) No. - 308 of 2023

Applicant :- Smt. Vandana Verma

Opposite Party :- Ajay Kumar Verma

Counsel for Applicant :- Sarvesh Chaubey, Abhai Kumar Singh, Awadhesh Kumar Singh

Counsel for Opposite Party :- Janardan Yadav

Hon'ble Saral Srivastava, J.

1. Heard learned counsel for the applicant and Sri Brijesh Kumar Yadav, Advocate holding brief of Sri Janardan Yadav, learned counsel for the respondent.

2. The present application has been filed by the applicant-wife seeking transfer of Case No.618 of 2022 (Ajay Kumar Verma Vs. Smt. Vandana Verma), under Section 13(1) of the Hindu Marriage Act pending in the court of Principal Judge, Family Court, District Varanasi to the court of Principal Judge, Family Court, Sonbhadra.

3. It is submitted that at present the case is pending before Additional Principal Judge, Family Court-I, Varanasi. It is submitted by the learned counsel for the applicant that the applicant has two child and is residing in her parental house at Renukoot. It is submitted that distance from present residence of applicant to Varanasi is more than 140 kilometres and applicant has no source of income to meet the litigation expenses and other expenses which is to be incurred in travelling from Renukoot to Varanasi to contest the case instituted by opposite party at Varanasi on each and every date fixed in the matter. 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 Varanasi, applicant would suffer serious prejudice.

4. The opposite party has not 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.

5. 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 Varanasi to District Sonbhadra.

6. Accordingly, the Case No.618 of 2022 (Ajay Kumar Verma Vs. Smt. Vandana Verma), under Section 13(1) of the Hindu Marriage Act pending in the court of Additional Principal Judge, Family Court-I, Varanasi is transferred to the court of Principal Judge, Family Court, Sonbhadra.

7. The Additional Principal Judge, Family Court-I, Varanasi is directed to remit the record of Case No.618 of 2022 (Ajay Kumar Verma Vs. Smt. Vandana Verma), under Section 13(1) of the Hindu Marriage Act to the court of Principal Judge, Family Court, Sonbhadra for its disposal.

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

Order Date :- 27.10.2023

R.S. Tiwari