

Court No. - 2

Case :- TRANSFER APPLICATION (CIVIL) No. - 325 of 2022

Applicant :- Anamika Arya

Opposite Party :- Ghasiram

Counsel for Applicant :- Prashant Rai

Counsel for Opposite Party :- Gaurav Tripathi

Hon'ble Saral Srivastava,J.

1. Heard learned counsel for the applicant and learned counsel for the respondent.
2. The present application has been filed by the applicant-wife seeking transfer of Case No.216 of 2021 (Ghasiram Vs. Anamika Arya), under Section 13 of the Hindu Marriage Act pending in the court of Principal Judge, Family Court, Chitrakoot to court of Principal Judge, Family Court, Lucknow.
3. It is submitted by the learned counsel for the applicant that the applicant is residing at Lucknow. It is submitted that distance from Lucknow to Chitrakoot is more than 230 kilometres and applicant has no source of income to meet the litigation expenses and other expenses which is to be incurred in travelling from Lucknow to Chitrakoot to contest the case instituted by opposite party at Chitrakoot on each and every date fixed in the matter. It is further submitted that financial condition of applicant is not good to do pairvi in the case. It is further submitted that no amount towards maintenance is being paid to the applicant by the opposite party. 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 Chitrakoot, applicant would suffer serious prejudice.
4. A counter affidavit has been filed on behalf of the opposite party denying the averments made in the transfer application, but no specific denial has been made to the averments contained in the paragraph Nos.18, 19 & 20 of the transfer application.
5. Further, 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 Chitrakoot to District Lucknow.

6. Accordingly, the Case No.216 of 2021 (Ghasiram Vs. Anamika Arya), under Section 13 of the Hindu Marriage Act pending in the court of Principal Judge, Family Court, Chitrakoot is transferred to the court of Principal Judge, Family Court, Lucknow.

7. The Principal Judge, Family Court, Chitrakoot is directed to remit the record of Case No.216 of 2021 (Ghasiram Vs. Anamika Arya), under Section 13 of the Hindu Marriage Act 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 :- 27.10.2023

R.S. Tiwari