

Court No. - 2

Case :- TRANSFER APPLICATION (CIVIL) No. - 395 of 2021

Applicant :- Monika Singh

Opposite Party :- Chandrabhan Singh

Counsel for Applicant :- Pulak Ganguly, Anurodh Tripathi

Counsel for Opposite Party :- Prasant Kumar Mishra

Hon'ble Saral Srivastava, J.

1. Heard learned counsel for the applicant.
2. The present transfer application has been filed by the applicant who is wife of the respondent praying for transfer of Divorce Petition No.2015 of 2020 (Chandrabhan Singh Vs. Monika Singh), under Section 13 of the Hindu Marriage Act, pending before the Court of Principal Judge, Family Court, Agra to the Principal Judge, Family Court, Kanpur Nagar.
3. It is submitted by the learned counsel for the applicant that the applicant is an unemployed lady and does not have any source of income, on account of which she is fully dependent upon her retired father and living along with her 1-1/2 years daughter at her parental house at Kanpur Nagar. The distance between District Kanpur Nagar to Agra is about 275 kilometres, therefore, in such circumstances, it is very difficult for the applicant to meet the expenses in travelling from District Kanpur Nagar to Agra along with her daughter to contest the case instituted by opposite party at District Agra on each and every date. 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 Agra, the applicant would suffer serious prejudice.

4. A counter affidavit has been filed by the respondent denying the averments made in the transfer application but no specific denial has been made to the averments contained in paragraph no.26 of the transfer application.

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 Agra to Kanpur Nagar in the interest of justice.

6. Accordingly, in the interest of justice, Divorce Petition No.2015 of 2020 (Chandrabhan Singh Vs. Monika Singh), under Section 13 of the Hindu Marriage Act, pending before the Court of Principal Judge, Family Court, Agra is transferred to the Court of Principal Judge, Family Court, Kanpur Nagar.

7. The Principal Judge, Family Court, Agra is directed to remit the record of Divorce Petition No.2015 of 2020 (Chandrabhan Singh Vs. Monika Singh), under Section 13 of the Hindu Marriage Act to the Court of Principal Judge, Family Court, Kanpur Nagar for its disposal.

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

Order Date :- 2.11.2023

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