

Court No. - 2

Case :- TRANSFER APPLICATION (CIVIL) No. - 580 of 2023

Applicant :- Smt. Saluja Malik

Opposite Party :- Bhupendra Kumar

Counsel for Applicant :- Chandra Bhushan Prasad

Hon'ble Saral Srivastava,J.

Order on Order Sheet.

In view of office report dated 25.10.2023, service of notice upon opposite party is deemed to be sufficient.

Order on Transfer Application.

1. Heard learned counsel for the applicant.
2. No one appears on behalf of the opposite party even in repeated calls.
3. The present application has been filed by the applicant-wife seeking transfer of Case No.473 of 2019 (Bhupendra Kumar Vs. Smt. Saluja Malik), under Section 13 of the Hindu Marriage Act pending in the court of Principal Judge, Family Court, District Baghpat to the court of Principal Judge, Family Court, Muzaffar Nagar.
4. The grounds on which the transfer of the Case No.473 of 2019 has been sought by the applicant are as follows:-

"10. That it is pertinent to mention here that when the applicant went to District Baghpat to appear in the present case then the opp. Party/respondent and his family members tried to attack over the applicant and she was humiliated by Opp. Party/respondent and his family members.

11. That it is pertinent to mention here that the applicant is Assistant Teacher at Primary School Usmanpur, District Shamli, where her husband, brother in law and other family members go there and threaten to her and her children for life, for which incident she lodged a N.C.R. vide no.01 of 2020 on dated 01.01.2020, Under Section 504, 506 I.P.C., Police Station Thana Bhawan, District Shamli.

12. That it is also relevant to mention here that when applicant and her sister return from the District court Baghpat on the way her husband and other

family members threaten to her and her sister for life, for which incident she moved an application on dated 04.03.2023 by post to the Superintendent of Police, Baghpat.

13. That it is relevant to mention here that the applicant is a well educated woman and at present she is posted at District Shamli as Assistant Teacher and living with her children where Opp. Party/respondent along with other persons are threatening the applicant with dire consequences and pressurizing her to compromise with them.

14. That it also relevant to mention here that applicant does not get any alimony from her husband while her husband is in good financial condition and earning the sufficient money for his livelihood."

5. The opposite party has neither put in appearance nor filed any counter affidavit. As the averments contained in the affidavit filed in support of the transfer application are unrebutted, and therefore, 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 by the applicant-wife, it is a fit case where this Court should exercise its power to transfer the case from District Baghpat to Muzaffar Nagar.

7. Accordingly, the Case No.473 of 2019 (Bhupendra Kumar Vs. Smt. Saluja Malik), under Section 13 of the Hindu Marriage Act pending in the court of Principal Judge, Family Court, District Baghpat is transferred to the court of Principal Judge, Family Court, Muzaffar Nagar.

8. The Principal Judge, Family Court, Baghpat is directed to remit the record of Case No.473 of 2019 (Bhupendra Kumar Vs. Smt. Saluja Malik), under Section 13 of the Hindu Marriage Act to the court of Principal Judge, Family Court, Muzaffar Nagar for its disposal.

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

Order Date :- 26.10.2023

Sattyarth