

Court No. - 2

Case :- TRANSFER APPLICATION (CIVIL) No. - 523 of 2022

Applicant :- Smt. Ritu Verma

Opposite Party :- Lalit Kumar

Counsel for Applicant :- Prasoon Tomar, Balbeer Singh

Counsel for Opposite Party :- Vinod Kumar Upadhyay, Chandra Narayan Mishra

Hon'ble Saral Srivastava, J.

1. Heard learned counsel for the applicant and learned counsel for the opposite party.
2. The present transfer application has been filed by the applicant who is wife of the respondent praying for transfer of the Case No.813 of 2018 (Lalit Kumar Vs. Ritu Verma), under Section 13 of the Hindu Marriage Act, 1955, pending before the Court of Principal Judge, Family Court, Kanpur Nagar to the Court of Principal Judge, Family Court, Agra.
3. It is contended by the learned counsel for the applicant that the marriage between the applicant and opp. party was solemnized in the year 2012 and from their wedlock a male child was born in the year 2013. It is submitted that the applicant is an unemployed lady and has no source of income, on account of which she is fully dependent upon her parents, therefore, the applicant along with her child is residing with her aged parents at District Agra. It is submitted that since the applicant has no source of income and distance between District Agra to Kanpur Nagar is more than 200 kilometre, therefore, in such circumstances, it is very difficult for the applicant to meet the expenses in travelling from District Agra to Kanpur Nagar to contest the case instituted by opposite party at Fatehpur on each and every date. In this respect, necessary averments have been made in paras-6 & 10 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 is allowed to be proceeded at District Kanpur Nagar, the applicant would suffer serious prejudice.

4. A counter affidavit has been filed by the respondent denying the averments made in affidavit filed in support of the transfer application, but the averments made in paragraph no.6 regarding a male child is found to be correct and the same has not been denied, and averments made in paragraph no.10 of the affidavit filed in support of the transfer application has been replied in paragraph no.7 of the counter affidavit, but no specific denial has been made with respect to the fact that the applicant has no source of income.

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 Kanpur Nagar to District Agra in the interest of justice.

6. Accordingly, Case No.813 of 2018 (Lalit Kumar Vs. Ritu Verma), under Section 13 of the Hindu Marriage Act, 1955, pending before the Court of Principal Judge, Family Court, Kanpur Nagar is transferred to the Court of Principal Judge, Family Court, Agra.

7. The Principal Judge, Family Court, Kanpur Nagar is directed to remit the record of Case No.813 of 2018 (Lalit Kumar Vs. Ritu Verma), under Section 13 of the Hindu Marriage Act, 1955 to the Court of Principal Judge, Family Court, Agra for its disposal.

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

Order Date :- 29.11.2023/NS