

Court No. - 2

Case :- TRANSFER APPLICATION (CIVIL) No. - 698 of 2023

Applicant :- Smt. Sweta Verma

Opposite Party :- Tejendra Singh

Counsel for Applicant :- Jitendra Kumar Yadav

Hon'ble Saral Srivastava,J.

Order on Order sheet

As per office report dated 25.10.2023, service of notice upon the respondent is confirmed. Therefore, service of notice upon the respondent is deemed sufficient.

Order on Transfer Application

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 Case No.117 of 2023 (Tajendra Singh Vs. Smt. Sweta Verma), under Section 9 of the Hindu Marriage Act, pending in the Court of Principal Judge, Family Court, District Moradabad to the competent Court of District Pilibhit.
3. It is contended by the learned counsel for the applicant that three proceeding: one under Sections 498A, 307, 323, 504 I.P.C. and Section 3/4 D.P. Act & (ii) under Section 125 Cr.P.C. and (iii) under Section 12 of Domestic Violence Act have been instituted by the applicant against the opposite party, which are pending at District Court Pilibhit, details of which have been given in para-7 of the affidavit filed in support of the transfer application. He submits that the distance between District Moradabad to District Pilibhit is about 200 kilometres and further opp. party has given threat to the applicant for dire consequence if she goes to attend

the proceedings at District Moradabad, therefore, in such circumstances, it is very difficult for the applicant to contest the case instituted by opposite party at District Moradabad on each and every date. 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 Moradabad, applicant would suffer serious prejudice.

4. The record reveals that no counter affidavit has been filed. As the averments contained in the affidavit filed in support of the transfer application are un-rebutted, therefore, they are treated to be true.

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, it is a fit case where this Court should exercise power to transfer the case from District Moradabad to Pilibhit in the interest of justice.

6. Accordingly, in the interest of justice, Case No.117 of 2023 (Tajendra Singh Vs. Smt. Sweta Verma), under Section 9 of the Hindu Marriage Act, pending in the Court of Principal Judge, Family Court, District Moradabad is transferred to the Court of Principal Judge, Family Court, Pilibhit.

7. The Principal Judge, Family Court, Moradabad is directed to remit the record of Case No.117 of 2023 (Tajendra Singh Vs. Smt. Sweta Verma), under Section 9 of the Hindu Marriage Act to the Court of Principal Judge, Family Court, Pilibhit for its disposal.

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

Order Date :- 26.10.2023

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