

Court No. - 2

Case :- TRANSFER APPLICATION (CIVIL) No. - 751 of 2023

Applicant :- Smt. Dolly

Opposite Party :- Akash

Counsel for Applicant :- Yogendra Kumar Srivastava, Anita Srivastava

Hon'ble Saral Srivastava, J.

Order on Order Sheet.

In view of the office report dated 16.11.2023, service of notice upon opposite party is deemed sufficient.

No one has put in appearance on behalf of the opposite party even in revised call.

Order on Transfer Application.

1. Heard learned counsel for the applicant.
2. The present transfer application has been filed by the applicant-wife seeking transfer of Case No.331 of 2020 (Akash v. Smt. Dolly) under Section 13 of Hindu Marriage Act pending in the court of Additional Principal Judge, Family Court No.3, Agra to the court of Principal Judge, Family Court, Mainpuri.
3. It is submitted by the learned counsel for the applicant that the applicant is residing at Mainpuri in her parental house along with her minor daughter. It is further submitted that the applicant has a minor daughter and has no source of income, on account of which, she is fully dependent upon her parents. It is submitted that it will be difficult for the applicant to travel along with her minor daughter to contest the aforesaid case from Mainpuri to Agra which is more than 120 Kms. It is submitted that the applicant has no means to contest the suit, therefore, in such circumstances, she is unable to pursue the suit pending before Family Court, Agra. It is also submitted that balance of convenience also lays in favour of the applicant, and if the case is allowed to be proceeded at Agra, she would suffer serious prejudice.
4. 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, therefore, they are being treated to be correct.

5. It is settled in law that convenience of wife is to be looked into in case of dispute between 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 District Agra to Mainpuri.

6. In such view of the fact, Case No.331 of 2020 (Akash v. Smt. Dolly) under Section 13 of Hindu Marriage Act pending in the court of Additional Principal Judge, Family Court No.3, Agra is transferred to the court of Principal Judge, Family Court, Mainpuri.

7. The Additional Principal Judge, Family Court No.3, Agra is directed to remit the record of Case No.331 of 2020 (Akash v. Smt. Dolly) under Section 13 of Hindu Marriage Act to the Court of Principal Judge, Family Court, Mainpuri for disposal of the same.

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

Order Date :- 17.11.2023

A.N. Mishra