

Court No. - 2

Case :- TRANSFER APPLICATION (CIVIL) No. - 787 of 2023

Applicant :- Smt. Jyoti Kaushik

Opposite Party :- Vedant Sharma

Counsel for Applicant :- Pradumn Tripathi

Hon'ble Saral Srivastava,J.

Order on Order Sheet.

In view of the office report dated 25.11.2023, the 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.2019 of 2023 (Vedant Sharma v. Smt. Jyoti Kaushik), under Section 13(1) of the Hindu Marriage Act pending in the court of Principal Judge, Family Court, Meerut to court of Principal Judge, Family Court, Muzaffarnagar.
4. It is submitted by the learned counsel for the applicant that proceeding under Section 125 of Cr.P.C has been instituted by the applicant against the opposite party which is pending at District Muzaffarnagar, whereas opposite party has instituted the divorce petition at District Meerut. It is submitted that the applicant is residing with her aged parents at Muzaffarnagar

and distance between Muzaffarnagar to Meerut is 60 kilometres and applicant has no source of income to meet the litigation expenses and other expenses which is to be incurred in travelling from Muzaffarnagar to Meerut to contest the case instituted by opposite party at Meerut on each and every date fixed in the matter. It is further submitted that no amount towards maintenance is being paid to the applicant by the opposite party. Thus, the submission is that if the case is allowed to be proceeded at Meerut, applicant would suffer serious prejudice.

5. The opposite party has neither put in appearance nor filed any counter affidavit, therefore, the averments contained in the affidavit filed in support of the transfer application are un rebutted and they are being treated to be correct.

6. Further, 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 faced by the applicant-wife, it is a fit case where this Court should exercise its power to transfer the case from District Meerut to District Muzaffarnagar.

7. Accordingly, the Case No.2019 of 2023 (Vedant Sharma v. Smt. Jyoti Kaushik), under Section 13(1) of the Hindu Marriage Act pending in the court of Principal Judge, Family Court, Meerut is transferred Principal Judge, Family Court, Muzaffarnagar.

8. The Principal Judge, Family Court, Meerut is directed to remit the record of Case No.2019 of 2023 (Vedant Sharma v.

Smt. Jyoti Kaushik), under Section 13(1) of the Hindu Marriage Act to court of Principal Judge, Family Court, Muzaffarnagar for its disposal.

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

Order Date :- 28.11.2023

A.N. Mishra