Court No. - 39

Case :- FIRST APPEAL No. - 1158 of 2023

Appellant :- Vipul Srivastava
Respondent :- Smt. Reena Srivastava
Counsel for Appellant :- Arvind Srivastava

Hon'ble Saumitra Dayal Singh,J.
Hon'ble Shiv Shanker Prasad,J.

1. Heard Sri Arvind Srivastava, learned counsel for the appellant and Sri Manoj Kumar Maurya, learned counsel for the respondent.

2. Present appeal has been filed under Section 19 of the Family Courts Act, 1984 arising from the order dated 27.09.2023 passed by the learned Principal Judge, Family Court, Deoria, whereby the learned Principal Judge has rejected the application moved by the present appellant referable to Section 24 of the C.P.C. to transfer Divorce Petition No. 456 of 2015 (Vipul Srivastava Vs. Reena Srivastava) from the Court of Additional Principal Judge, Family Court No. 3, Deoria to any other Court of Additional Principal Judge at Deoria.

3. Our own observations apart, today, learned counsel for the respondent states that he has no objection to the above case being transferred to the Court of another Additional Principal Judge, Family Court, Deoria. The statement has been made in light of the fact that parallel proceedings instituted by the respondent under Section 125 Cr.P.C. seeking monthly maintenance that were also pending in the said Court have been stayed by an order passed by this Court in Criminal Transfer Application No. 698 of 2023 (Vipul Srivastava Vs. Reena Srivastava).

4. In view of the above, we dispose of the present appeal with the observations, subject to either party filing a fresh application before the learned Principal Judge, Family Court, Deoria within a period of two weeks from today along with a copy of this order, the said Principal Judge may make appropriate order, exercising his own discretion to provide for hearing of the above case proceeding being Petition No. 456 of 2015 (Vipul Srivastava Vs. Reena Srivastava) and all other cases pending between the parties before the Family Court at Deoria before one Court other than the learned Additional Principal Judge, Family Court No. 3, Deoria.

5. It is further provided, subject to such transfer being made, the proceeding for maintenance / interim maintenance may be concluded by the transferee Court within a period of one month from the date of transfer order being passed by the learned Principal Judge, Family Court, Deoria. Also the parties undertake to appear and participate in the proceeding before the transferee Court such that the divorce case proceeding and all other cases may be heard and concluded as expeditiously as possible without allowing for any undue or long adjournments.

6. It is made clear that pendency of the transfer application before this Court may not be an impediment in proceeding with the transfer application to be filed in compliance of this order as the present order has been passed on the consent of the respondent.

7. In view of the above observations, the present appeal is disposed of.

Order Date :- 29.11.2023
SK Srivastava

(Shiv Shanker Prasad,J.) . . . **(S.D. Singh,J.)**

Digitally signed by :-
SAILESH KUMAR SRIVASTAVA
High Court of Judicature at Allahabad