

Court No. - 2

Case :- TRANSFER APPLICATION (CIVIL) No. - 841 of 2023

Applicant :- Archana Tripathi

Opposite Party :- Upendra Narayan Tripathi

Counsel for Applicant :- Sushil Kumar Dubey

Hon'ble Saral Srivastava,J.

1. Heard learned counsel for the applicant.
2. The present application has been filed by the applicant-wife seeking transfer of Case No.569 of 2022 (Upendra Narayan Tripathi Vs. Archana Tripathi), under Section 13 of Hindu Marriage Act pending in the court of Principal Judge, Family Court, Etawah to any other competent court.
3. The sole ground on which the transfer of Case No.569 of 2022 has been sought by the applicant is that in the court of Principal Judge, Family Court, Etawah, two proceedings have been instituted; one by the applicant under Section 125 of Cr.P.C. and another by the opposite party under Section 13 of Hindu Marriage Act. It is submitted that the applicant does not have confidence in the court of Principal Judge, Family Court, Etawah in which two cases are pending inasmuch as opposite party has told the applicant that he will get an order in proceeding under Section 125 of Cr.P.C. in his favour as he has managed the Presiding Officer. It is further submitted that the case under Section 125 of Cr.P.C. has been decided by the Presiding Officer against the applicant, and this fortifies the belief of the applicant that she will not get justice from the court of Principal Judge, Family Court, Etawah.
4. Be that as it may, the allegations in the transfer application are made only on the basis of hearsay. Merely because the court has dismissed the application under Section 125 of Cr.P.C. of the applicant does not establish that Presiding Officer has some malafide intention against the applicant. Further, the applicant has failed to produce any material on record regarding allegations made in the transfer application against the Presiding Officer. If the transfer application is allowed on the ground that Presiding Officer has decided the case against the applicant, the judicial system would not function and it would erode the confidence of the people in the judicial system.

5. In such view of the fact, applicant has failed to make out any good ground for transfer of the Case No.569 of 2022 to some other court.

6. Accordingly, the transfer application being misconceived is ***dismissed*** with no order as to costs.

Order Date :- 26.10.2023

Sattyarth