

HIGH COURT OF UTTARAKHAND AT NAINITAL

Civil Transfer Application No.45 of 2022

Smt. Pooja

.....Applicant

Vs.

Sri Harish Lal Arya

..... Respondent

Present : Mr. Deep Chandra, Advocate for the applicant.
Mr. Prabhakar Joshi, Advocate for the respondent.

JUDGMENT

Hon'ble Ravindra Maithani, J. (Oral)

By means of the instant transfer application, filed under Section 24 of the Code of Civil Procedure, 1908, the applicant seeks transfer of Original Suit No.76 of 2021, Harish Lal Arya Vs. Smt. Pooja ("the case"), from the court of Principal Judge, Family Court, Almora to the court of Principal Judge, Family Court, Bageshwar.

2. Heard learned counsel for the parties and perused the record.

3. The applicant and the respondent were married on 17.05.2017 and they were blessed with a baby boy. Thereafter, the relations between the parties became strained. The respondent filed a petition for divorce in the court at Almora.

4. According to the petitioner, she is resident of Bageshwer, which is at a distance of 80 Kms. from Almora; it is much difficult for her to attend daily proceedings in a court at Almora; she depends on her parents; her parents are old; she has no financial assistance.

5. As such respondent has not filed objections.

6. Learned counsel for the applicant would submit that she is a single woman; she depends on her parents; she has no source of income; in order to attend the proceedings in the court at Almora she has to travel all alone; it is much inconvenient to her therefore, the case may be transferred from Almora to Bageshwar.

7. Learned counsel for the respondent would submit that the matter has already been pending for a long and the applicant is not attending the proceedings at Almora court, due to which, the case is not proceeding further.

8. The applicant has made out the case that, in fact, it is much inconvenient to her to attend the proceedings in the court at Almora. Therefore, having considered the entirety of facts, this Court is of the view that the case may be transferred from the court of Principal Judge, Family Court, Almora to the court of Principal Judge, Family Court, Bageshwar. Accordingly, transfer application deserves to be allowed.

9. Transfer application is allowed.

10. Original Suit No.76 of 2021, Harish Lal Arya Vs. Smt. Pooja, is transferred from the court of Principal Judge, Family Court, Almora to the court of Principal Judge, Family Court, Bageshwar.

11. Learned counsel for the respondent submits that directions may be issued that the case may be decided expeditiously in the court at Bageshwar.

12. Needless to say, the matrimonial cases are given utmost importance so that they should be decided with much promptness.

13. Let a copy of this order be sent to both the courts.

(Ravindra Maithani, J.)
12.12.2025

Sanjay

SANJAY
KANOJIA