

HIGH COURT OF UTTARAKHAND AT NAINITAL

Transfer Application No.52 of 2025

Smt. Nidhi Kala

Versus

.....Applicant

Dr. Rajesh Mohan Saklani

....Respondent

Present:

Mr. M.C. Kandpal, Senior Advocate, assisted by Mr. Devesh Kandpal, Advocate for the applicant.
Mr. A.M. Saklani, Advocate for the respondent.

Hon'ble Ravindra Maithani, J.(Oral)

The applicant seeks transfer of Suit No. 676 of 2025, Dr. Rajesh Mohan Vs. Smt. Nidhi Kala from the Family Court, Dehradun to the court at Haldwani.

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

3. It is the case of the applicant that she and the respondent were married on 09.07.2022 at Haldwani, District Nainital. They both stayed in Oman for about 3-4 months. Thereafter, their relation became strained. The applicant returned. She made a complaint against the respondent at Women Helpline on 29.05.2025. Thereafter, the applicant has filed a suit for divorce in a court at Dehradun. It is a case of the applicant that she is a person of limited means. She wants to stay with the respondent. Therefore, the case may be transferred.

4. Objections has been filed by the respondent. The allegations made therein have been denied. It is stated that the applicant is staying separate without any sufficient cause. She has ruined the married life of both the parties by her own act. She has

subjected the respondent to cruelty. According to the respondent, he is employed in Oman. He has appointed his aged father as power of attorney holder, who is 73 years of age and suffering with various ailments. Once in a counselling session in Haldwani, the respondent and his family members were assaulted. There are chances that the applicant and her mother may harm the father of the respondent once he appears in the proceedings at Haldwani.

5. Learned counsel for the applicant submits that the applicant is unemployed single lady who is staying in Haldwani in her parental home. The case which is a suit for divorce has been filed by the respondent in Dehradun court. The respondent stays in Oman and it is not inconvenient to him to appear in the proceedings in Haldwani. He submits that the proceedings for maintenance have been initiated by the applicant in the court at Haldwani, which is still pending.

6. Learned counsel for the respondent submits that the respondent is working abroad. He is a Doctor in a hospital. He gets limited leave. Even it is not possible, at times, for him to join the proceedings through video conferencing. He submits that he has appointed his father as power of attorney holder and he apprehends that his father may be assaulted at Haldwani which had earlier occurred once in maintenance proceedings, when counselling was going on. He submits that the matter may be shifted at a place between Dehradun and Haldwani so as to keep the balance.

7. The role of power of attorney holder in such matters is much limited. Initially, the Court in such matrimonial cases try to make counselling and it may be done through video conferencing as well. The respondent is staying abroad. For him coming at Dehradun

or Haldwani makes no difference. Admittedly, the applicant is not working, though it is argued that she is well educated and had quit the job after marriage. But, it is admitted that today, she is not working anywhere. She is a single woman staying at her parental house.

8. Having considered the entirety of fact, this Court is of the view that interest of justice would be better served if the case is transferred at the court at Haldwani from the court at Dehradun. Accordingly, transfer application deserves to be allowed.

9. The transfer application is allowed.

10. Suit No. 676 of 2025, Dr. Rajesh Mohan Vs. Smt. Nidhi Kala is transferred from the Family Court, Dehradun to the court at Haldwani.

(Ravindra Maithani, J.)
18.12.2025

Jitendra