



HIGH COURT OF UTTARAKHAND AT NAINITAL

Civil Transfer Application (U/s 24) No. 17 of 2024

Dated : 30th July, 2026

Smt. Jyoti Panwar ----- --Applicant

Versus

Suraj Kandari -----Respondent

Presence:-

Mr. Nikhil Bhatt, learned counsel for the applicant.

Mr. Deepak Joshi, learned counsel holding brief of Mr. Ajay Joshi, learned counsel for the respondent.

1. Heard learned counsel for the applicant and learned counsel for the respondent.
2. This C24 application has been filed with the prayer to transfer the Civil Suit No.94 of 2023, instituted under Section 13 of the Hindu Marriage Act, 1955 “Suraj Kandari vs. Jyoti Panwar”, pending before the court of learned Principal Judge, Family Court, Rudraprayag to the court of learned Principal Judge, Family Court, Dehradun.
3. Learned counsel for the applicant submits that the marriage of the applicant and the respondent was solemnized on 27.09.2019 and after their wedlock one boy was born on 07.10.2020; that both husband and wife are serving in Uttarakhand Police Department on the post of S.I.; that respondent at the time of filing of the transfer application was posted at Rudraprayag and at present he is posted at Dehradun; that the applicant vide departmental order dated 17.11.2023 was transferred to Dehradun to discharge her duties at Police Station Mussorie; that the father of the applicant had lodged an FIR against the respondent on



11.10.2023, stating that the respondent is abusing and mistreating her daughter (applicant); that on 08.09.2023, when the situation became worst both of them have decided to start living separately from each other; that on 08.10.2023, a dreadful incident took place when respondent entered into the house of applicant and made an attempt to cause injury upon her; that the father of the applicant lodged an FIR and on the same day, respondent lodged an FIR against the applicant and her family members; that on 16.11.2023, respondent filed a divorce petition under Section 13 of the Hindu Marriage Act, 1955 which was registered as Civil Suit No.94 of 2023 before the learned Principal Judge, Family Court, Rudraprayag and a notice of divorce petition was also served upon the applicant. It is submitted that the FIRs have been lodged in the jurisdiction of Dehradun, and, contrary to it, the divorce proceeding is pending in Principal Judge, Family Court, Rudraprayag and the applicant, who is a mother of three years old boy and also a working lady, currently posted at Dehradun as such it is very difficult for her to travel to Rudraprayag along with her minor child which is approximately 200 kms/ seven hours of hectic journey towards hill area from the place of posting.

4. Learned counsel appearing for the respondent submits that he has no instructions on behalf of his client. However, he submits that in the present Transfer Application, an interim order was passed on 12.03.2024 by the Co-ordinate Bench of this Court and the Transfer Application is pending for



the last two years and, as such, in case the Transfer Application is decided by this Court then directions may be issued for early disposal of the above suit, as expeditiously as possible, within a stipulated time frame.

5. In view of the fact that applicant is facing undue hardships and travel bearings and on account of the fact that the parties are posted at Dehradun, the instant C24 application is allowed. The Civil Suit No.94 of 2023, instituted under Section 13 of the Hindu Marriage Act, 1955 “Suraj Kandari vs. Jyoti Panwar”, pending before the learned Principal Judge, Family Court, Rudraprayag is directed to be transferred to the court of learned Principal Judge, Family Court, Dehradun. The learned Court is directed to hear and decide the above case as expeditiously as possible.
6. As a sequel thereto, the miscellaneous application, if any, shall also stands disposed of.
7. Let a copy of this order be sent to the court concerned for compliance.

(Subhash Upadhyay, J.)

30.07.2026

Pant/