



HIGH COURT OF UTTARAKHAND AT NAINITAL

HON'BLE SRI JUSTICE SUBHASH UPADHYAY

CIVIL TRASFER APPLICATION (C24) NO.39 OF 2025

15th May, 2026

Kiran Bharti

...Applicant.

Versus

Nand Kishore

..Respondent.

Counsel for the applicant	:	Mr. Manindra Singh Bhandari, learned counsel.
Counsel for the respondent	:	None is present on behalf of the respondent.

JUDGMENT: (per Mr. Subhash Upadhyay, J.)

Heard Mr. M.S. Bhandari, learned counsel for the applicant.

2. Notices were issued to the respondents and, as per the office report, service has been effected on the said respondent, however, there is no representation on behalf of the respondent.

3. This C24 application has been filed with the prayer to transfer the Matrimonial Suit No.01/2025, "Nand Kishore Vs. Smt. Kiran Bharti", to Family Court, Chamoli from the Court of Family Judge, Haridwar.

4. Learned counsel for the applicant submits that the marriage between the parties was solemnized on 28.04.2016 and out of the wedlock, the applicant gave birth to a male



child, namely, Master Pranay on 02.02.2017. The child is at present 9 years of age who is studying in a School at Gopeshwar, District Chamoli.

5. As per case of the applicant, the dispute arose between the parties when the applicant was appointed as Guest Teacher and was posted at Government Inter College-Pagna, Block-Nanda Nagar Ghat, District-Chamoli. Due to the appointment of the applicant as a Guest Teacher in 2020, the husband of the applicant/respondent was not happy and forced the applicant to live with him at Haridwar wherein he was posted as Constable at the relevant time.

6. In February, 2025 the applicant received a summon from the Family Court, Haridwar and she was directed to appear before the said Court in Case No.1/2025, "Nand Kishore Vs. Kiran Bharati" filed by the respondent under Section 9 of the Hindu Marriage Act, 1955 for Restitution of Conjugal Rights.

7. Learned counsel for the applicant submits that the applicant is posted as Guest Teacher at Chamoli and it would be difficult for her to attend the Court proceeding at Haridwar, which is more than 232 kilometers from the place of her present posting.

8. Learned counsel for the applicant also made a submission that the case was filed at Haridwar when the



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respondent was posted at the said place and at present the respondent is not posted at Haridwar and, as such, the proceeding before the court at Haridwar is liable to be transferred.

9. In view of the facts stated above, the Court is of the view that the applicant has made out a case for transfer of the case from Haridwar to Chamoli.

10. Accordingly, the instant C24 application is allowed. Thus, the Matrimonial Suit No.01/2025, “Nand Kishore Vs. Smt. Kiran Bharti”, pending before the court of Family Judge, Haridwar is transferred to the Family Court at Chamoli.

11. As a sequel thereto, the miscellaneous applications, if any pending, shall stand disposed of.

12. Let a copy of this order be sent to the court concerned for compliance.

SUBHASH UPADHYAY, J.

Dt: 15.05.2026

Sukhbant

**SUKHBANT
SINGH**

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