



HIGH COURT OF UTTARAKHAND AT NAINITAL

Civil Transfer Application (filed under Section 24 of the Code of Civil Procedure, 1908) No. 47 of 2023

Dated : 31st July, 2026

Nirmal Kumar ----- --Applicant

Versus

Smt. Neha Rani -----Respondent

Presence:-

Ms. Beena Pande, learned counsel for the applicant.

Ms. Anupriya Kukreti, learned counsel holding brief of Mr. M.C.

Pant, learned counsel for the respondent.

1. The present Civil Transfer Application has been filed by the applicant seeking transfer of Original Case No. 747 of 2022, “Nirmal Kumar vs. Smt. Neha”, under Section 9 of the Hindu Marriage Act, 1955 pending in the court of learned Principal Judge, Family Court, Dehradun to the learned Family Court, Vikas Nagar, Dehradun.

2. As per the averments made in the transfer application, the marriage between the applicant and the respondent was solemnized on 30.04.2021, and the parties have no child out of the said wedlock.

3. Learned counsel for the applicant submits that the original suit was filed by the applicant before the learned Principal Judge, Family Court, Dehradun for restitution of conjugal rights. He submits that the respondent was living at her parental house at Vikas Nagar and has filed a Criminal Misc. Case No. 153 of 2022, “Smt. Neha Rani vs. Nirmal Kumar”, before the



learned Family Court, Vikas Nagar, Dehradun under Section 125 of the Code of Criminal Procedure, 1973. It was thus contended that, in case, the Original Case No.747 of 2022 is transferred to the court of learned Family Court, Vikas Nagar, Dehradun, then there would be no inconvenience caused to the parties.

4. An Urgency Application (IA No.2/2024) was filed on behalf of the respondent. In the said application, it was stated that the case filed before the Family Court, Vikas Nagar, Dehradun was withdrawn by the respondent and a copy of the said order dated 04.09.2023 was filed along with the said application. Thus, it was contended that the sole ground to get the case transferred at Family Court, Vikas Nagar, Dehradun is now not in existence.

5. Learned counsel for the applicant has filed a supplementary affidavit, wherein, it has been stated that though the respondent had withdrawn the Criminal Misc. Case No. 153 of 2022, filed before the Family Court, Vikas Nagar, Dehradun under Section 125 of the Code of Criminal Procedure, 1973, however, she had filed an Original Suit No.103 of 2024 under Section 13(i-a) & (i-b) of the Hindu Marriage Act, 1955 before the Family Court, Vikas Nagar at Dehradun, which is pending. Thus, she contends that it would be in the interest of justice and in favour of both the parties if the Original Suit No.103 of



2024, filed by the respondent and the Original Case No.74 of 2022 filed by the applicant are held together.

6. This Court considering the fact that the Original Suit no.103 of 2024, filed by the respondent is pending before the Family Court, Vikas Nagar, Dehradunn, is of the view that the civil transfer application filed by the applicant deserves to be allowed. The proceedings of Original Case No.747 of 2022, “Nirmal Kumar vs. Smt. Neha Rani”, under Section 9 of the Hindu Marriage Act, 1955, pending in the court of learned Principal Judge, Family Court, Dehradun is transferred to the court of learned Family Court, Vikas Nagar, Dehradun.

7. Pending application(s), if any, stand disposed of accordingly.

(Subhash Upadhyay, J.)

31.07.2026

Pant/