



2026:UHC:932

HIGH COURT OF UTTARAKHAND AT NAINITAL

Civil Transfer Application U/s 24 No. 68 of 2025

13 February, 2026

Smt. Sarita -----Applicant

Versus

Shiv Kumar -----Respondent

Presence:-

Mr. Priyanshu Gairola, Advocate for the Applicant.
Mr. Deepak Sharma, learned counsel for the respondent
through Video Conferencing.

Hon'ble Mr. Subhash Upadhyay, J.

The present application has been filed by the applicant with the prayer that the proceedings of Case No. 353 of 2025, Shiv Kumar vs. Sarita, filed under Section 25 of the Uniform Civil Code (U.C.C.), pending before the Court of 1st Additional Principal Family Court, Roorkee, Haridwar be transferred to the Court of Principal Judge, Family Court, Dehradun.

2. Learned counsel for the applicant submits that the applicant and respondent got married on 07.05.2006 and were blessed with a son on



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18.04.2012 and a baby girl on 11.01.2017; that on 25.06.2019, after torturing the applicant, the respondent and his parents threw applicant and the children out of house and the applicant along with her 7 year old son and two year old daughter were stranded on road; that applicant somehow managed to reach her parental home; that despite such adverse situation, the applicant studied for government exams and managed to secure a class IV job in district court; that as soon as the respondent and his parents came to know about the same they started demanding money (salary) from the applicant and upon refusal, the applicant was subjected to harassment at the hands of respondent; that the respondent even came to the place of work of the applicant and created ruckus and threatened the applicant to either pay him from her salary or to give him divorce; that the applicant and his parents are big vendors of fruits and vegetables (*Aadhat*) in Roorkee and are influential businessmen of their area; that the applicant lives in Dehradun, away from her parents and is taking care of her two children, alone, while working and as such, going to Roorkee



to attend the court proceedings would require her to take off from her work, which would be very difficult for her; that in case the applicant visits Roorkee Court she has risk of her life and safety as the respondent and his parents are aggressive in nature and are influential businessmen of the area; that the applicant is taking care of her two children-13 years old who is studying in 10th standard and 8 years old daughter who is studying in 4th standard; that the applicant herself is taking care of school/tuitions and other needs of the children; that in case the applicant visits the court in Roorkee, her entire day would be consumed on the court date as family court Roorkee is over 80 Kms. away from Dehradun, under such circumstances, the applicant will be forced to leave her children accompanied by no one.

3. Though, time was granted to file objection to the respondents, however, no objection has been filed but the learned counsel for the respondent appearing through Video Conferencing submits that as the applicant is working on class-IV post in District Court, Dehradun, as such, the case may not



be transferred to District Court, Dehradun and prays that the case can be transferred to Haridwar.

4. Learned counsel for the applicant in reply submits that the applicant has stated the fact about her working on a class-IV post at District Court, Dehradun, however, in case the respondent has any grievance towards the transfer of case at District Court, Dehradun then the same can be transferred to Vikas Nagar, which is sub-court to Dehradun. He further submits that the applicant is taking care of her two children, who are studying in school at Dehradun and her life is at risk at Roorkee as respondents are influential persons.

5. Having heard the learned counsel for the parties and after perusal of the records, this Court is of the view that the applicant is a class-IV employee and is looking at her two children who are studying in class-X and class-IV, and the mere fact that she is employed as class-IV employee at District Court, Dehradun does not mean that the respondents would be prejudiced if the case is transferred to Dehradun.



6. Looking at the peculiar facts of the case, the Court is of the view that the application is liable to be allowed and the same is allowed. The proceedings of Case No. 353 of 2025, Shiv Kumar vs. Sarita, filed under Section 25 of the Uniform Civil Code (U.C.C.), pending before the Court of 1st Additional Principal Family Court, Roorkee, Haridwar is transferred to the Court of Principal Judge, Family Court, Vikas Nagar, Dehradun.

(SUBHASH UPADHYAY, J.)

Dated: 13.02.2026
Kaushal