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HIGH COURT OF UTTARAKHAND AT NAINITAL

Civil Transfer Application (U/s 24) No. 95 of 2022

Dated : 15th May, 2025

Sandeep Lamba -----Applicant

Versus

Priyanka Chaudhary and another -----Respondents

Presence:-

Mr. B.S.Koranga and Mr. Piyush Srivastava, learned counsel for the applicant.

Mr. Harshit Sanwal and Mr. Rakshit Joshi, learned counsel for the respondent.

1. The present Civil Transfer Application under Section 24 of the C.P.C. has been filed with the prayer to transfer the Divorce Suit No. 42 of 2022, “Mrs. Priyanka vs. Mr. Sandeep Lamba”, pending before the Court of learned Judge, Family Court, Kashipur, District Udham Singh Nagar to the Court of learned Judge, Family Court, Haridwar.
2. Learned counsel for the applicant submits that the applicant is a practicing Advocate at Supreme Court, New Delhi and has sought transfer of the Divorce petition on the ground that the learned Judge, Family Court Kashipur did not allow the applicant to present his case through his Advocate. He further submits that copy of the Divorce suit was also not provided to his Advocate and he has sent a letter to the Hon’ble the Chief Justice of this Court



as well as to the Hon'ble Chief Justice of India on the said aspects.

3. *Per contra*, learned counsel for the respondent submits that the applicant had filed a Transfer Petition (Civil) No. 865/2022, before the Hon'ble Supreme Court for transfer of the Divorce Suit No. 42 of 2022, from Kashipur to Delhi and the said case was dismissed on 23.09.2022, wherein the Hon'ble Supreme Court observed that the proceeding may be continued as to where it is instituted and the said fact has not been stated in the present petition filed before this Court, subsequently, on 25.11.2022. He as such contends that the present Transfer Petition is liable to be dismissed on the said ground alone.
4. In rebuttal to the said submissions, learned counsel for the applicant submits that the Transfer Petition before the Hon'ble Supreme Court was for transfer of the suit from one State to another and dismissal of the said case has no bearing on the present transfer petition.
5. Heard learned counsel for the parties and perused



the record.

6. The fact that the Transfer Petition filed before the Hon'ble Apex Court was dismissed prior than the filing of the present Transfer Petition is not in dispute. The applicant ought to have brought the said fact to the notice of this Court. However, as the grievance of learned counsel for the applicant for transfer of his case is only in relation to the fact that he was not allowed to put in appearance through Advocate or through online proceedings, as such, the interest of justice would suffice if the applicant is given an opportunity to represent before the Court at Kashipur through Advocate or through online proceedings, until and unless the personal appearance of the applicant is required by the Court.
7. Learned counsel for the respondents submits that he has no objection to the said prayer made by the applicant as the case is pending at Kashipur since long in view of the interim order passed by this Court on 28.11.2022.
8. Learned counsel for the respondent submits that a



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copy of the Divorce Petition can be obtained by the applicant through his counsel and the Trial court may be directed to expedite the matter.

9. In view of the above, the Court is not inclined to accept the prayer made by the applicant for transfer of divorce case from Kashipur to Haridwar, however, looking into the peculiar facts of the case, the Transfer Application is disposed of with the following directions:
- (i) The Divorce Suit No. 42 of 2022, pending before the learned Family Court, Kashipur shall continue at its place of institution.
 - (ii) The applicant shall be at liberty to appear through his counsel or through virtual mode except when the personal appearance of the applicant is required by the court by a specific order.
 - (iii) As the said case is pending since 2022, as such, the learned Trial Court shall decide the said suit as expeditiously as possible.
10. Let a copy of this order be sent to the court concerned for compliance.

(Subhash Upadhyay, J.)

15.05.2026

Kaushal



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