



HIGH COURT OF UTTARAKHAND AT NAINITAL
Civil Transfer Application (U/s 24) No. 91 of 2025
Dated : 03rd July, 2026

Smt. Pooja Arya ----- --Applicant

Versus

Chandra Prakash Arya -----Respondent

Presence:-

Ms. Devanshi Joshi, learned counsel for the applicant.
Mr. Jai Krishan Pandey, learned counsel for the respondent.

Hon'ble Mr. Subhash Upadhyay, J.

This Transfer Application has been filed seeking transfer of the Case No. 411 of 2025, "Chandra Prakash Arya vs. Pooja Arya", under Section 13(1)(ia) of the Hindu Marriage Act, 1955 as well as under Section 25(1)(ii) of the Uttarakhand Uniform Civil Code, 2024, pending before the Family Court, Haldwani to the Family Court, Almora.

2. The grounds taken in the transfer application are that the applicant is suffering from epilepsy, which makes it unsafe and difficult for her to travel. It has been stated that due to medical condition frequent travel would pose significant health risk and the applicant is under continuous medication and has been advised to avoid stress, fatigue and travel as such. The case pending at Family Court, Haldwani is sought to be transferred to the Family Court, Almora.

3. An objection has been filed by the respondent,



wherein it has been stated that the applicant has not approached the court within clean hands and had not disclosed the material facts as such, the Transfer Application is liable to be dismissed on the ground of suppression of material facts. It has been stated that a legal notice was sent to the applicant, wherein it was stated that the applicant is suffering from epilepsy. However, in reply to the said legal notice, the applicant had stated that she is not suffering from any such disease and it was further stated in the said reply to the legal notice that the CT scan of the applicant was conducted, wherein it was also found that the applicant is medically fit.

4. Learned counsel for the respondent submits that the copy of the legal notice sent to the applicant and the reply sent on behalf of the applicant have not been filed deliberately and he refers to the said legal notice and the reply submitted by applicant which have been enclosed as Annexure No.CA1 to the objection.

5. Learned counsel for the respondent submits that sole ground mentioned in the Transfer Application is as such an after thought and as such the Transfer Application is liable to be dismissed on the ground of concealment of material fact.

6. It has been submitted that the applicant can appear in the court proceedings by engaging a counsel on



her behalf.

7. A reply has been filed by the applicant to the objection filed by the respondent, wherein the fact that the legal notice was sent and a reply was also submitted on behalf of the applicant have not been denied. However, it has been stated that the applicant was not aware of the contentions and the legal implication of the said reply and the same cannot be treated as a conscious and binding admission against her.

8. This Court is of the view that the fact about the legal notice issued to the applicant and its reply was a material fact which was to be brought to the notice of the Court and the applicant having failed to disclose the said material fact before the Court is not entitled to any relief. The sole ground taken in the Transfer Application is about the medical ill health of the applicant however no documentary evidence has been enclosed to substantiate the said claim and the said ground does not appear to be a genuine ground, as such there is no scope for interference in this Transfer Application and the same is liable to be dismissed.

9. The Transfer Application is dismissed.

(Subhash Upadhyay, J.)

03.07.2026

Pant/