2026:UHC:10004

HIGH COURT OF UTTARAKHAND AT NAINITAL

Civil Transfer Application (filed under Section 24 of the Code of Civil Procedure, 1908) No. 83 of 2025

Dated : 31st OCTOBER, 2026

Smt. Megha Vohra Tyagi ---------Applicant

Versus

Sameer Tyagi ------Respondent

Presence:-

Mr. Rishab Ranghar, learned counsel for the applicant.

Mr. M.S. Tyagi, learned Senior Advocate assisted by Mr. Kailash Chandra, learned counsel for the respondent.

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1. The present Civil Transfer Application has been filed by the applicant seeking transfer of the Case No.566 of 2025, “Sameer Tyagi vs. Megha Vohra Tyagi”, pending before the court of Ist Additional Principal Judge, Roorkee, District Haridwar to the court of Principal Family Judge, Dehradun.

2. As per the averments made in the transfer application, the marriage between the applicant and the respondent was solemnized on 20.04.2024 in accordance with Hindu rites and rituals at Roorkee, Haridwar, and out of said wedlock, the parties were blessed with a daughter on 02.12.2022, namely Ivanka.

3. Learned counsel for the applicant submits that due to harassment by the respondent and his family members, the applicant had to leave her matrimonial house in the month of June, 2025 and, thereafter, the applicant is residing at Dehradun with her parents. It has

been further contended that the applicant is solely dependent upon her father, who is an old aged person and is not able to travel with the applicant from Dehradun to Roorkee to appear in the case. Apart from that, it has been submitted that the applicant has to look after her three years old daughter, and she cannot leave her daughter to attend the case at Roorkee.

4. Per contra, learned counsel for the respondent, in his objection, filed in the transfer application, has stated that the applicant and her family members, especially her brother Siddhant Vora harassed the respondent and assaulted him and an FIR No.380 has also been lodged on 26.10.2025 under Sections 115(2), 333, 351(3) and 352 of the BNS, 2023, in which charge sheet has also been filed. He thus submits that, in fact, the respondent is a sufferer and is under threat of life and body from the side of the family members of the applicant, as they have assaulted the respondent at an earlier point of time. It is further contended that the distance from Roorkee to Dehradun is approximately 65 kilometers and it takes only one hour and thirty minutes to complete the said journey. It is, thus, contended that the present transfer application is liable to be dismissed.

5. Learned counsel for the applicant in reply submits that the respondent, in fact, had come to the

house of the applicant on 20.09.2025 and requested that the applicant may permit her daughter to accompany him to meet his parent and family members, and assured that the daughter will be sent back after a week. It is submitted that on 27.09.2025, the applicant and her brother came to the matrimonial house to take back the daughter, wherein the respondent along with his family members (which include the other six brothers of the respondent) started assaulting and physically harming the applicant and her brother, and did not allow the daughter to accompany the applicant. Thereafter, the applicant had filed an application before the Women Helpline Number on 04.10.2025 and had sought the custody of her daughter under Section 23 of the Domestic Violence Act. Vide order dated 15.10.2025, passed by the Judicial Magistrate, Dehradun, the custody of the daughter was given to the applicant. Copy of the order dated 15.10.2025 is enclosed with the rejoinder affidavit.

6. It is thus contended that the transfer application is liable to be allowed, as the daughter is residing with the applicant, who is three years old, and the applicant would suffer an irreparable loss, in case, the applicant is forced to attend the court proceedings at Roorkee. It has been further contended that there are other cases pending at different courts at Dehradun, and,

as such, in case, the proceedings are transferred from Roorkee to Dehradun, then the respondent, who is attending different cases at Dehradun, would not be prejudiced. The details of the cases at Dehradun, as narrated in paragraph no.12 of the rejoinder affidavit, are reproduced herein below, which are as follows:-

> *"(a) G&W Case no.3 of 2025 "Sameer Tyagi vs. Megha Vohra" under section 7 and 10 of Guardian and Ward Act before Principle Family Court I, Dehradun.*
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> *(b) Case no.58 of 2026 "Kumari Ivanka Tyagi and another vs. Sameer Tyagi" under section 144 of BNSS before Principle Family Court I, Dehradun.*
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> *(c) Criminal Appeal no.835 of 2025 "Sameer Tyagi vs. State and another" pending before District Judge, Dehradun.*
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> *(d) Criminal Appeal no.95/2026 "Sameer Tyagi vs. State and another" pending before District Judge, Dehradun.*
>
> *(e) Misc. Criminal Case no.3856/2025 "Megha Vohra Tyagi vs. Sameer Tyagi and others" pending before Judicial Magistrate III, Dehradun."*

7. After hearing the learned counsel for the parties, this Court is of the considered view that the applicant, who is currently residing at Dehradun and is looking after her three years old daughter, would face inconvenience in case she has to attend the proceedings at Roorkee. Moreover, other cases as narrated in paragraph no.12 of

the rejoinder affidavit are pending at Dehradun, and as such, the prayer sought by the applicant to transfer the proceedings from Roorkee to District Dehradun appears to be *bona fide.*

8. In view of the above, the present Civil Transfer Application is allowed. The proceedings of the Case No.566 of 2025, “Sameer Tyagi vs. Megha Vohra Tyagi”, pending before the court of learned Ist Additional Principal Judge, Roorkee, District Haridwar is hereby transferred to the court of Principal Family Judge, Dehradun.

9. As a sequel thereto, the miscellaneous application(s), if any, stand disposed of accordingly.

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

(Subhash Upadhyay, J.)
31.10.2026

Pant/