2026:AHC:210630

HIGH COURT OF JUDICATURE AT ALLAHABAD

TRANSFER APPLICATION (CIVIL) No. - 324 of 2026

Smt. Pooja Devi

.....Applicant(s)

Versus

Mukesh Kumar

.....Opposite Party(s)

Counsel for Applicant(s)	:	Indrakesh Kumar Sharma, Rakesh Kumar Tiwari
Counsel for Opposite Party(s)	:	Ajay Kumar Sharma, Anil Kumar Mishra

Court No. - 35

HON'BLE DR. YOGENDRA KUMAR SRIVASTAVA, J.

Heard Sri Rakesh Kumar Tiwari, learned counsel appearing for the applicant and Sri Anil Kumar Mishra, learned counsel appearing for the opposite party.

Present application has been filed, seeking transfer of Marriage Petition No.1528 of 2025 (Mukesh Kumar vs. Pooja Devi) under Section 12-B of the Hindu Marriage Act, 1955, from the Court of Principal Judge, Family Court, Aligarh to a Court of competent jurisdiction at Hathras.

Upon considering the facts of the case and the inconvenience pleaded on behalf of the applicant that she was facing problems in attending the proceedings of the aforesaid case at Aligarh, this Court on 29.5.2026, directed issuance of notice to the opposite party and stayed the further proceedings of the aforesaid case.

It has been pleaded that the marriage of the applicant was solemnized with opposite party on 16.2.2016.

It is asserted that the applicant was subjected to torture by the opposite party and his family members, and that the applicant and opposite party are living separately.

It is urged that the applicant has serious apprehension of threat to her life and as such, she is not a position to contest the proceedings at Aligarh.

Counsel appearing for the opposite party submits that no counter affidavit has been filed on behalf of the opposite party, and that he has instructions to state that the opposite party has 'no objection' to the case being

transferred from Aligarh to Hathras.

This Court, in its recent decisions in **Smt. Akansha Saxena v. Shikhar Saxena**, 2026 (3) ADJ 104 and **Smt. Arju @ Vimal v. Umakant Parasar**, 2026 (3) ADJ 66 has observed that in matrimonial cases, the convenience of the wife must be looked into; the cardinal principle for exercise of power under Section 24 CPC being that the ends of justice should be subserved.

Having regard to the aforesaid and particularly in view of the hardship that has been pleaded by the applicant and the categorical "No Objection" expressed on behalf of the opposite party, this Court is of the considered opinion that the present case is a fit one for exercise of power under Section 24 CPC. The transfer sought, being by consent of the parties and in furtherance of justice, deserves to be allowed.

Accordingly, the Civil Misc. Transfer Application is **allowed** with the following directions :

(i) The proceedings of Marriage Petition No.1528 of 2025 (Mukesh Kumar vs. Pooja Devi) under Section 12-B of the Hindu Marriage Act, 1955, are hereby withdrawn from the Court of the Principal Judge, Family Court, Aligarh, and transferred to the Court of the Principle Judge, Family Court, Hathras.

(ii) The Principal Judge, Family Court, Aligarh is directed to transmit the entire case record to the Transferee Court at District Hathras within fifteen days from the date of receipt of a certified copy of this order.

(iii) The Transferee Court shall proceed with the matter from the stage at which it was transferred and shall endeavor to conclude the proceedings expeditiously.

(Dr. Yogendra Kumar Srivastava,J.)

October 7, 2026
RKK/-

Digitally signed by :-
RAJ KUMAR KANNAUJIA
High Court of Judicature at Allahabad