2026:AHC:227568

HIGH COURT OF JUDICATURE AT ALLAHABAD

TRANSFER APPLICATION (CIVIL) No. - 625 of 2024

Smt. Shruti Jain

.....Applicant(s)

Versus

Prateek Jain

.....Opposite Party(s)

Counsel for Applicant(s)	:	Sanjay Mishra
Counsel for Opposite Party(s)	:	Abhishek Shukla, Ram Krishna Mishra, Ved Prakash Shukla

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Court No. - 35

HON'BLE DR. YOGENDRA KUMAR SRIVASTAVA, J.

Heard Sri Sanjay Mishra, learned counsel for the applicant and Sri Ved Prakash Shukla, learned counsel for the opposite party.

Present application has been filed, seeking transfer of of Case No. 255 of 2024 (Prateek Jain vs. Smt. Shruti Jain), under Section 9 of Hindu Marriage Act, pending in the court of Principal Judge, Family Court, Agra to the court of Principal Judge, Family court, Gautam Buddh Nagar.

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 Agra, this Court on 06.09.2024, 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 21.02.2022. The applicant, thereafter is stated to have been subjected to harassment for dowry due to which she was forced to live at her parental house at District Gautam Buddha Nagar.

It is stated in para 16 of the affidavit filed along with transfer application that the applicant has no independent source of income, and as such, would face great hardship to attend the court

proceedings at Judgeship of Agra.

Learned counsel appearing for the applicant submits that the applicant has sought transfer of the case to Gautam Buddh Naga, though she is permanently resident of District Firozabad. He submits that the opposite party has not filed any counter affidavit and would have no objection in case the applicant agrees to transfer of the case to District Firozabad.

Learned counsel has not disputed that the applicant's permanent address is shown to be in District Firozabad and, as such, she would also have no objection if the case is transferred to District Firozabad though by means of the present transfer application, transfer of case no. 255 of 2024, has been sought to District Gautam Buddh Nagar.

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, for transfer of the case to a court of competent jurisdiction at Firozabad, 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 Case No. 255 of 2024 (Prateek Jain vs. Smt. Shruti Jain),under Section 9 of Hindu Marriage Act, 1955 are hereby withdrawn from the Court of the Principal Judge,

Family Court, Agra and transferred to the Court of the Principal Judge, Family Court, Firozabad.

(ii) The Principal Judge, Family Court, Agra is directed to transmit the entire case record to the Transferee Court at District Firozabad 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.)

November 2, 2026
Sushma

Digitally signed by :-
SUSHAMA YADAV
High Court of Judicature at Allahabad