

"Rakesh Chauhan vs Smt. Meera Chauhan" on 22 February, 2022

Author: Alok Kumar Verma

Bench: Alok Kumar Verma

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

22nd FEBRUARY, 2022

CIVIL TRANSFER APPLICATION No.9 of 2019

Between:

Smt. Meera Chauhan. ...Applicant

and

Rakesh Chauhan. ...Respondent

Counsel for the Applicant : Mr. B.S. Negi.

Counsel for the Respondent: Mr. Niranjana Bhatt.

Hon'ble Alok Kumar Verma, J.

This Civil Transfer Application has been filed by the applicant-wife, under Section 24 of the Code of Civil Procedure, 1908 to transfer the Civil Suit No.2 of 2019, "Rakesh Chauhan vs. Smt. Meera Chauhan", filed under Section 13 of the Hindu Marriage Act, 1955, pending before the learned Civil Judge (Senior Division), District Uttarkashi to the Court of Civil Judge, (Senior Division), Karnaprayag, District Chamoli.

2. Heard Mr. B.S. Negi, the learned counsel for the applicant and Mr. Niranjana Bhatt, the learned counsel for the respondent.

3. Mr. B.S. Negi, the learned counsel for the applicant, submitted that the marriage of the applicant was solemnized with the respondent on 22/23.11.2004. Out of the said wedlock, one male child was born, who is at present 15 years old. The applicant is an Assistant Teacher, working in a Junior High School at Angtoli, Vikas Khand Narayanbagar, Tehsil Tharali, District Chamoli. The respondent is also a Government employee, working as Senior Assistant at Secretariat, Dehradun. After the

marriage, the applicant was harassed by the respondent and due to the said reason, the applicant is residing in her parental house. The learned counsel for the applicant further submitted that the mother of the applicant is also dependent on her. The distance from Narayan Bagar, District Chamoli to District Uttarkashi is more than 300 k.m. and being a lady, with her minor child and dependent mother, it is very difficult to her to attend the court frequently, situated at Uttarkashi.

4. During the arguments, the learned counsel for both the parties submitted that the said case should be transferred to the Court, situated at Rudraprayag. The learned counsel for both the parties inform the Court that there is no Family Court in Rudraprayag.

5. In the case of Sumita Singh Vs. Kumar Sanjay and Another, (2001) 10 SCC 41, a transfer application was filed by the wife. The Hon'ble Supreme Court observed that it is the husband's suit against the wife. It is the wife's convenience that, therefore, must be looked at.

6. In view of the above facts and circumstances of the case, the present application is required to be allowed accordingly.

7. Having heard the arguments of the learned counsel for the parties, the application of the applicant, filed under Section 24 of the Code of Civil Procedure, 1908 is allowed accordingly. The Civil Suit No.02 of 2019, "Rakesh Chauhan vs. Smt. Meera Chauhan", filed under Section 13 of the Hindu Marriage Act, 1955, pending before the Court of Civil Judge, (Senior Division), District Uttarkashi is transferred to the Court of Civil Judge, (Senior Division), Rudraprayag.

8. The record of the case shall be transferred forthwith to the transferee court, which shall take the matter and shall decide the same according to law and as expeditiously as possible.

9. A certified copy of this order be sent to the learned Civil Judge, (Senior Division), District Uttarkashi and to the learned Civil Judge, (Senior Division), Rudraprayag for necessary compliance.

_____ ALOK KUMAR VERMA, J.

Dt: 22nd February, 2022 Neha