2026:AHC:211895

HIGH COURT OF JUDICATURE AT ALLAHABAD

TRANSFER APPLICATION (CIVIL) No. - 627 of 2025

Smt. Priyanka

.....Applicant(s)

Versus

Praveen Kumar Bharti

.....Opposite Party(s)

Counsel for Applicant(s)	:	Vivek Kumar Sharma
Counsel for Opposite Party(s)	:	Mahendra Pratap Singh

Court No. - 35

HON'BLE DR. YOGENDRA KUMAR SRIVASTAVA, J.

Heard Sri Vivek Kumar Sharma, learned counsel appearing for the applicant and Sri Mahendra Pratap Singh, learned counsel appearing for the opposite party.

Present application has been filed, seeking transfer of Case No.667 of 2024 (Praveen Kumar Vs. Priyanka) under Section 13 (1) of the Hindu Marriage Act, 1955, from the Court of Principal Judge, Family Court, Azamgarh to a Court of competent jurisdiction at Kanpur 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 Azamgarh, this Court on 28.8.2025, 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 14.11.2019. The applicant was thereafter subjected to harassment for demand of dowry and on 7.5.2020, she was forcibly ousted from her matrimonial house and since then, the applicant is living at her parental house in District Kanpur Nagar.

An FIR, registered as Case Crime No.15 of 2021, is stated to have been lodged by the applicant against the opposite party and his family members at the concerned Police Station, Kanpur Nagar. A complaint case under Section 12 of the Protection of Women from Domestic Violence Act, 2005 and an application under Section 125 of Cr PC, are stated to be pending before the concerned Courts at Kanpur Nagar.

It is urged that the applicant has no independent source of income and, therefore, she would face grave hardship in contesting the proceedings at Azamgarh.

Counsel appearing for the opposite party states that no counter affidavit has been filed

by the opposite party and he has instructions to state that the opposite party has 'no objection' to the case being transferred from Azamgarh to Kanpur 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, 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.667 of 2024 (Praveen Kumar Vs. Priyanka) under Section 13 (1) of the Hindu Marriage Act, 1955, are hereby withdrawn from the Court of the Principal Judge, Family Court, Azamgarh and transferred to the Court of the Principle Judge, Family Court, Kanpur Nagar.

(ii) The Principal Judge, Family Court, Azamgarh is directed to transmit the entire case record to the Transferee Court at District Kanpur Nagar, 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 8, 2026
RKK/-

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