2026:AHC:211931

HIGH COURT OF JUDICATURE AT ALLAHABAD

TRANSFER APPLICATION (CIVIL) No. - 642 of 2025

Smt. Swati Tiwari

.....Applicant(s)

Versus

Rajeev Tiwari

.....Opposite Party(s)

Counsel for Applicant(s)	:	Dinesh Kumar Misra, Mohd. Ilyas Ansari
Counsel for Opposite Party(s)	:	Manvendra Singh

Court No. - 35

HON'BLE DR. YOGENDRA KUMAR SRIVASTAVA, J.

Heard Ms Anita Singh, holding brief of Sri Dinesh Kumar Misra, learned counsel for the applicant and Sri Shivam Singh, holding brief of Sri Manvendra Singh, learned counsel for the opposite party.

Present application has been filed, seeking transfer of Marriage Petition No.946 of 2024 (Rajeev Tiwari vs. Swati Tiwari) under Section 13 of the Hindu Marriage Act, 1955, from the Court of Principal Judge, Family Court, Jaunpur to a Court of competent jurisdiction at Prayagraj.

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 Jaunpur, this Court on 11.9.2024, 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 27.5.2011. The applicant was thereafter subjected to torture and harassment for demand of dowry, and on 2.1.2017, she was forcibly ousted from her matrimonial house and since then, the applicant is living at her parental house in District Prayagraj.

Case No.460 of 2018, under Section 125 of Cr PC, is stated to be pending before the Court of competent jurisdiction at Prayagraj. A complaint case, bearing Case No.765 of 2018 under Section 12 of the Protection of Women from Domestic Violence Act, 2005, is also pending before a Court of competent jurisdiction at Prayagraj.

It is urged that the applicant has no independent source of income and,

therefore, she would face grave hardship in contesting the proceedings at Jaunpur.

Counsel appearing for the opposite party states that though counter affidavit has been filed by the opposite party, he has instructions to state that the opposite party has 'no objection' to the case being transferred from Jaunpur to Prayagraj.

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.946 of 2024 (Rajeev Tiwari vs. Swati Tiwari) under Section 13 of the Hindu Marriage Act, 1955, are hereby withdrawn from the Court of the Principal Judge, Family Court, Jaunpur and transferred to the Court of the Principle Judge, Family Court, Prayagraj.

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