

Court No. - 2

Case :- TRANSFER APPLICATION (CIVIL) No. - 265 of 2017

Applicant :- Smt. Neha Nigam Srivastava

Opposite Party :- Ankur Srivastava

Counsel for Applicant :- Akank Kumar Jain

Hon'ble Surya Prakash Kesarwani,J.

Heard learned counsel for the applicant.

In view of the office report dated 26.7.2017, service of notice upon the opposite party is deemed sufficient. No one appears on behalf of the opposite party.

The applicant is the wife of the opposite party, who were married on 8.12.2015, but she was ousted from matrimonial house on 25.12.2016 and since then she is living with her parents at Jhansi.

Learned counsel for the applicant submits that the applicant is a poor lady and is fully dependant upon her father, who is handicapped and is suffering from cancer and is undergoing treatment at Tata Memorial Centre, Mumbai. The Matrimonial Petition No.233 of 2017 (Ankur Srivastava v. Smt. Neha Nigam Srivastava), under section 13 of the Hindu Marriage Act, 1955, has been filed by the opposite party in the court of Principal Judge, Family Court, Gautam Budh Nagar to harass the applicant. The court of Gautam Budh Nagar is about 500 Kilometres away from Jhansi and it is difficult for the applicant to attend the case at Gautam Budh Nagar, particularly, when the applicant herself is fully dependant upon her aged father, who is suffering from cancer.

Considering the facts and circumstances of the case and also the law laid down by Hon'ble Supreme Court in the case of **Sumita Singh Vs. Kumar Sanjay and another, AIR 2002 SC 396, Reena Mehra Vs. Rohit Rai Mehra, 2003 (2) SCC 291 and Tejalben Vs. Mihirbhai Bharatbhai Kothari, 2016 (1) ARC 856 SC**, this transfer application deserves to be allowed. The Matrimonial Petition No.233 of 2017 (Ankur Srivastava v. Smt. Neha Nigam Srivastava), under section 13 of the Hindu Marriage Act, 1955, pending in the court of Principal Judge, Family Court, Gautam Budh Nadgar, is transferred to the court of equivalent jurisdiction at Jhansi.

Let the record of the aforesaid case be transmitted to the competent Court at District Jhansi within one month from today. The trial Court concerned is directed to make endeavour to expedite the trial of the aforesaid case and decide the same expeditiously, preferably within eight months from the date of production of the records of the aforesaid case, in accordance with law, without granting any unnecessary adjournments to either of the parties.

The application is allowed as indicated above.

Order Date :- 17.8.2017

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