

IN THE HIGH COURT OF UTTARAKHAND

Civil Transfer Application No. 37 of 2012

Mrs. Preeti Verma
W/o Mr. Alok Verma
D/o Mr. Devender Kumar Verma
R/o B-8 Doon Enclave Near P.N.B. Colony
Shimla Bye Pass Road, Majra, Dehradun
District Dehradun, Uttarakhand

.....Applicant

Versus

1. Additional Family Court, Roorkee, District Haridwar
2. Alok Verma, S/o Late Sukhbir Verma
R/o 89/4 East Ambar Talaab, Roorkee, District Haridwar
Presently R/o A-15, A/1, Man Sarovar Park
Shahdara, Post Officer and P.S. Man Sarovar
Delhi 32

.....Respondents

Mr. Dharmendra Barthwal, Advocate, present for the applicant.
None present for respondent no. 2.

Hon'ble Prafulla C. Pant, J.

Heard.

2. By means of this petition moved under section 24 of Code of Civil Procedure, 1908 (for short C.P.C.) the petitioner has sought transfer of Suit No. 225 of 2012 Alok Verma vs. Smt. Preeti Verma filed under section 13 of Hindu Marriage Act, 1955 by the respondent no. 2 (Alok Verma) before Additional Judge, Family Court, Roorkee, to the Court of Principal Judge, Family Court, Dehradun.

3. It is stated in the petition that the petitioner Preeti Verma filed a petition under section 9 of Hindu Marriage Act, 1955 for restitution of conjugal rights before Principal Judge, Family Court, Dehradun which is numbered as Suit No. 511 of 2011. Apart from that she has also filed an application under section 125 of Cr.P.C., against her husband (respondent no. 2) which is registered as case no. 239 of 2011. Said case is also pending before Principal Judge, Family Court Dehradun. It is further stated that respondent no. 2 (Alok Verma) has already put his appearance in said cases before Principal Judge, Family Court Dehradun. It is also stated on behalf of the petitioner that presently neither the petitioner is living in Roorkee, nor the respondent no. 2 Alok Verma. The address of respondent no. 2 shows that he lives in Delhi, while the petitioner Preeti Verma lives in Dehradun. In the circumstances it is argued that it is inconvenient to the petitioner to contest the divorce petition filed by the husband (present respondent no. 2) before Additional Judge, Family Court, Roorkee.

4. Having considered submissions of learned counsel for the petitioner, and after going through the papers on record, this Court feels it just and proper that the divorce petition pending before the Additional Judge,

Family Court, Roorkee, filed by the husband (present respondent no. 2) and the petition filed by the present petitioner under section 9 of Hindu Marriage Act before Principal Judge, Family Court, Dehradun need to be tried together for just decision of the disputes between the parties to matrimony.

5. Therefore, in the interest of justice suit no. 225 of 212 Alok Verma vs. Preeti Verma filed under section 13 of Hindu Marriage Act, 1955, by present respondent no. 2 (Alok Verma) is transferred to the court of Principal Judge, Family Court, Dehradun, so that the same may be tried alongwith the petition filed by the wife under section 9 of the Act. With the above direction this petition is disposed of, and the interim order dated 22.11.2012 stands vacated.

(Prafulla C. Pant , J.)

30.04.2013

Parul