

(2012) 09 AHC CK 0195

In the Allahabad High Court

Case No : C.M. Transfer Application No. 229 of 2012

Smt. Rashmi Singh

APPELLANT

Vs

Praveen Kumar Sachan

RESPONDENT

Date of Decision : 28-09-2012

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 24

Citation : (2013) 3 AWC 2718

Hon'ble Judges : Pankaj Mithal, J

Bench : Single Bench

Advocate : Dinesh Kumar Misra and R.P. Singh Parihar, for the Appellant;

Final Decision : Allowed

Judgement

Pankaj Mithal, J.—Heard learned counsel for the applicant. The applicant is a wife. She has filed this transfer application u/s 24, C.P.C. for transfer of divorce petition filed by the husband at Kanpur and one another proceeding of Misc. Case No. 22/70 of 2012 also pending at Kanpur to Allahabad on the ground that she is residing at Allahabad and that she has filed a suit No. 543 of 2012 for injunction in the Family Court at Allahabad.

From the averments made in the application and the affidavit it is not clear as to for what purpose and relief the Suit No. 543 of 2012 has been filed by her at Allahabad.

Counsel for the applicant states that the aforesaid suit is to restrain the respondent from remarrying.

The above suit prima facie appears to be of no use and effect which may be required to be clubbed with the divorce case.

2. The applicant states that she is residing at Allahabad and it is difficult for her to attend the proceedings at Kanpur on account of old age of her parents.

3. Kanpur is not very far from Allahabad and is also well connected by rail as well

as road with Allahabad. The difficulty of the applicant in attending the court at Kanpur can be taken care of by providing her with travelling expenses and by allowing her to have assistance of an advocate so that she need not attend the court personally on every date. The applicant as per the supplementary-affidavit has already filed her written statement in the divorce petition at Kanpur.

4. In the totality of the aforesaid facts and circumstances, I am of the opinion that no case for transferring the proceedings of divorce petition to Allahabad has been made out only for the reason that the applicant is resident of Allahabad and would face some inconvenience at Kanpur. The application is accordingly rejected with the direction to the Family Court at Kanpur to permit the applicant to appear through an advocate and not to insist for her personal appearance on every date unless it is necessary and whenever she is required to attend the proceedings personally she may be allowed appropriate travelling expenses from the respondent.