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HIGH COURT OF UTTARAKHAND AT NAINITAL

Civil Transfer Application (U/s 24) No. 71 of 2025

Dated : 8th May, 2025

Smt. Hemlata -----Petitioner

Versus

Dinesh Singh -----Respondent

Presence:-

Mr. B.D.Pande, Mr. H.C.Pathak and Mr. Khushi Chaudhary,
learned counsel for the Applicant.
None is present for the respondent.

1. The present Civil Transfer Application under Section 24 of the C.P.C. has been filed with the prayer to transfer the H. M. Case No. 82 of 2024, “Hemlata vs. Dinesh Singh”, under Section 13 (1) (a) of the Hindu Marriage Act, 1955, pending before the Court of learned Judge, Family Court/District Judge, Pithoragarh to the Court of learned Judge, Family Court, Haldwani, District Nainital or any other court having similar jurisdiction.
2. Learned counsel for the applicant submits that the marriage of the applicant and respondent was solemnized on 29.11.2008 at Joshi Khet Kalika Dharchula; that applicant with the financial help of her father did the GNM course and got a job in Sub District Hospital, Dharchula; that out of the wedlock, the applicant gave birth to two children, namely Sahil and Pranav; that both the children are residing with the applicant; that on 22.05.2024, the respondent came to the house of the applicant and demanded money from her and on refusal, he attacked the applicant with knife, and the applicant



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was seriously hurt and was admitted in Krishna Hospital at Haldwani from 28.05.2024 to 12.06.2024; that a First Information Report was lodged against the respondent under Section 307 IPC and after submission of the charge-sheet, trial is pending against the respondent at Pithoragarh; that the applicant tried to compromise with the respondent, but compromise could not taken place and having no other option, she had to file a suit for divorce under Section 13 of the Hindu Marriage Act, 1955 at Pithoragarh; that the efforts were made by the Court to have mediation between the parties, however, the mediation failed; that due to the constant threat given by the respondent, the applicant requested for transfer of her services from Dharchula to Haldwani and at present, the applicant is posted at Base Hospital, Haldwani and is residing with her parents at Pingal Sadan, Shivali Road, Lal Danth, Haldwani; that, the children of the applicant are studying in Inspiration School at Haldwani and the applicant is taking care of them without any moral or financial support of the respondent or his family members.

3. Heard learned counsel for the applicant.
4. Notices were issued to the respondent, however after service of the said notice no one has put in appearance on behalf of the respondent.
5. Taking into consideration the above mentioned facts and also the contention of the applicant that the distance from Pithoragarh to Haldwani is more than 200 Kilometers and the applicant, who is serving at



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Haldwani, if required to attend the court at Pithoargarh would have to take leave; inconvenience would be caused to the family and to her children, who are studying at Haldwani, the Court is inclined to accept the prayer made by the applicant.

6. Accordingly, the instant C24 application is allowed. The H. M. Case No. 82 of 2024, "*Hemlata vs. Dinesh Singh*", under Section 13 (1) (a) of the Hindu Marriage Act, 1955, pending before the Court of learned Judge, Family Court/District Judge, Pithoragarh, is transferred to the Court of learned Judge, Family Court, Haldwani, District Nainital. The learned Court is directed to hear and decide the case as expeditiously as possible.
7. As a sequel thereto, the Miscellaneous Application, if any shall also stand disposed of.
8. Let a copy of this order be sent to the court concerned for compliance.

(Subhash Upadhyay, J.)

08.05.2026

Kaushal