

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3042 of 2014

In
Matrimonial Reference No. 6 of 2014

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Puja Devi , wife of Bhikhari Prasad @ Chittu Kumar, D/o Sri Parmanand Prasad, resident of Mohalla Kirani Ghat, River Side Road, P.S. Kotwali, District Gaya.

.... Petitioner

Versus

Bhikhari Prasad @ Chittu Kumar S/o Ram Nath Kashera, resident of near Pani Tanki, P.S. Dehri, District Rohtas.

.... Opp.Party.

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Appearance :

For the Petitioner/s : Mr. Ramashish, Adv.

For the Respondent/s : Mr. Dhaneshwar Prasad Gupta, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

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4 23-01-2015 Heard learned counsel for the petitioner and Sri Dhaneshwar Prasad Gupta, learned counsel for sole Opp.Party.

The petitioner, by filing a petition under Section 24 read with Section 151 of the Code of Civil Procedure, has prayed for transferring the record of Matrimonial Case No.06 of 2014 from the court of learned Principal Judge, Family Court, Rohtas at Sasaram to the court of learned Principal Judge, Family Court, Gaya. It was submitted by learned counsel for the petitioner that the marriage of the petitioner with Opp.Party was solemnized on 21.11.2011 within the territorial jurisdiction of Gaya court. Since after the marriage the petitioner was tortured and was ousted from her in laws house, she thereafter filed a complaint case vide



Complaint Case No.1969 of 2013 in the court of learned Sub Divisional Judicial Magistrate, Gaya for offence under Section 498(A) of the Indian Penal Code and same is still pending. It has been indicated that the petitioner after being ousted from her in-laws house, she is residing with her parents at Gaya. Being a lady and residing with her old parents, it would be difficult for the petitioner to regularly attend the court proceeding at Sasaram court. Accordingly, a prayer has been made to transfer the record from the court of learned Principal Judge, Family Court, Rohtas at Sasaram to the court of learned Principal Judge, Family Court, Gaya.

Learned counsel for Opp.Party has opposed the prayer of the petitioner. Opp.Party has filed a counter affidavit and allegation of torture has been disputed by learned counsel for Opp.Party. However, he does not dispute that presently the petitioner is residing with her parents at Gaya.

After hearing and considering the materials available on record, the Court is of the opinion that for just decision in the matter, it would be necessary to transfer the case record from court of learned Principal Judge, Family Court, Rohtas at Sasaram to the court of learned Principal Judge, Family Court, Gaya keeping in view the fact that the petitioner is a lady and she is residing with

her old parents at Gaya.

The petition stands allowed with a direction to transfer the record of Matrimonial Case No.06 of 2014 from the court of learned Principal Judge, Family Court, Rohtas at Sasaram to the court of learned Principal Judge, Family Court, Gaya forthwith.

(Rakesh Kumar, J)

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