

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3845 of 2013

In
Matrimonial Reference No. 42 of 2013

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Smt. Kumari Meeta "Manjusha" W/o- Sanjeev Kumar @ Sanju, D/o- Late Ram Chandra Singh, resident of village - Morsand Bahadurpur, P.S. - Pussa, District - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. District Magistrate, Muzaffarpur.
3. Sanjeev Kumar @ Sanju (Teacher) S/o- Ram Nandan Prasad @ Ram Babu Singh, resident of village - Mustafapur, P.S. - Aahiyapur, District – Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy
For the Respondent/s : Mr. Devendra Kr Sinha

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

9 29-04-2015 Heard learned counsel for the petitioner and learned counsel for the opposite party.

In this case, the counsel for the petitioner submits that a matrimonial dispute for restitution of conjugal right, vide Matrimonial Case No. 42 of 2013, is pending before the Principal Judge, Family Court, Muzaffarpur.

The present application has been filed to transfer the aforesaid case from Muzaffarpur to Samastipur, as the petitioner, wife resides at Samastipur, it will be inconvenient for her to participate in the proceeding at Muzaffarpur.

The counsel for the husband, Respondent no. 3 refuted the

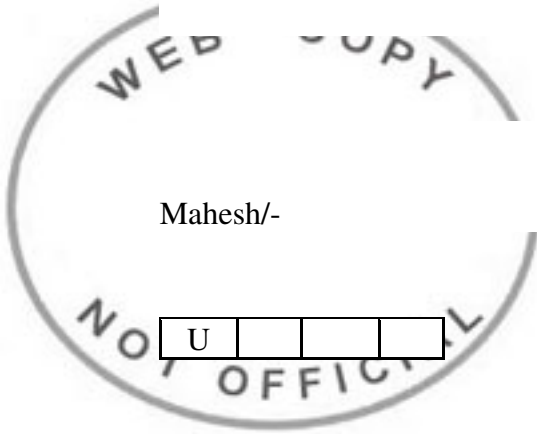


claim of the petitioner and submitted that she had earlier come to Patna at least five times to oppose the bail and she has also attended the proceeding in the Patna High Court Mediation Board, in that circumstance, the plea of the petitioner that she would have difficulty in attending the court at Muzaffarpur, has no leg to stand, is not proper, as she can come to Muzaffarpur which is not very far to participate the proceeding also. Claim has been made that the petitioner is living with her brothers who are very well engaged in the transport business and, as such, she will have no difficulty in attending the proceeding at Muzaffarpur so this Court should refuse to transfer the case.

Having considered the rival contentions of the parties, as the matter is of restitution of conjugal right, this Court is not examining the merit of the case. The husband may have better case than the wife but the female will face more hardship to attend at Muzaffarpur, as it will be inconvenient for a wife to travel and attend the case from Samastipur to Muzaffarpur but it will not be so inconvenient for the husband to attend the case at Samastipur. Taken into consideration the comparative hardship of both the parties, this Court feels that asking the wife to attend the case at Muzaffarpur, in stead of husband, will be more arduous for her to travel and attend the case on each and every date at Muzaffarpur.

In such view of the matter, this Court is of the view that Matrimonial Case No. 42/ 2013 be transferred to the Principal Judge, Family Court, Samastipur.

Accordingly, the petition is allowed. Let this order be communicated to the concerned court through e-mail.



(Shivaji Pandey, J)

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