

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1675 of 2014

In
Matrimonial Reference No. 296 of 2013

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Mamta Devi Wife of Vishal Kumar Pandey, Daughter of Sri Santosh Kumar Tiwary, Resident of Mohalla-Khalashi Mohalla (Saurav Printing Press) P.O. and P.S.-Buxar, District-Buxar Petitioner

Versus

Vishal Kumar Pandey, Son of Sri Vishwanath Pandey, Resident of Village-Anaithi, P.S.-Ara Nawada, District-Bhojpur Opp.Parties.

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Appearance :

For the Petitioner/s : Mr. Dr. Chandra Shekhar Azad
For the Respondent/s : Mr. Rajiv Ranjan, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

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6 29-01-2015 Heard Sri Krishna Murti Singh, learned counsel, who was assisted by Sri (Dr.) Chandra Shekhar Azad, learned counsel for the petitioner and Smt. Nilima Sinha, learned counsel, who was assisted by Sri Rajiv Ranjan, learned counsel for sole Opp.Party.

The petitioner, who is wife of Opp.Party, has approached this Court by filing the present petition under Section 24 of the Code of Civil Procedure with a prayer to direct for transferring the record of Matrimonial Case No.296 of 2013 from the court of learned Principal Judge, Family Court, Ara to the court of learned Principal Judge, Family Court, Buxar. It has been pleaded that the marriage of the petitioner with Opp.Party was solemnized in the year 2004. For some time, they were living

peacefully. However, some dispute arose subsequently and finally, the petitioner was constrained to leave the in-laws house and, thereafter, she started living with her old parents at Buxar. It has further been submitted that from their wedlock, she has blessed with two children and both are minors and residing with their mother i.e. the petitioner.

Learned counsel for the petitioner submits that being a lady with two minor children, it would be difficult for the petitioner to regularly attend the court proceeding at Ara from Buxar and, as such, a prayer has been made to transfer the record of Matrimonial Case No.296 of 2013 from the court of Ara to Buxar.

Learned counsel for Opp.Party has vehemently opposed the prayer of the petitioner. She submits that prior to filing of divorce case, one case under Section 9 of the Hindu Marriage Act for restitution of conjugal right was filed by the petitioner. However, the petitioner refused to reside with her husband. In sum and substance, it has been argued that the petitioner has voluntarily left the in-laws house and she is not at all ready to live with her husband. It has also been indicated that while the petitioner had visited Buxar, he was misbehaved.

Besides hearing learned counsel for the parties, I have

also perused materials available on record. The fact that the petitioner is residing with her old parents at Buxar with her two minor children was not disputed by learned counsel for Opp.Party. In view of fact that the petitioner, who is residing at Buxar with her old parents and she is also having two minor children, the Court is of the opinion that it would be difficult for her to regularly attend the court proceeding at Ara from Buxar. Accordingly, it is a fit case for directing for transferring the record of Matrimonial Case No.296 of 2013 from the Ara Court to Buxar.

The petition stands allowed with a direction to transfer the record of Matrimonial Case No.296 of 2013 from the Court of learned Principal Judge, Family Court, Ara to the Court of learned Principal Judge, Family Court, Buxar forthwith. It is made clear that after receipt of record from Ara to Buxar the concerned Court may take all steps for early disposal of the Matrimonial Case No.296 of 2013. It is expected that learned court at Buxar will take all steps for early disposal of Matrimonial Case No.296 of 2013 preferably within a period of six months. Since Both parties have appeared, they are directed to render full co-operation to the court below for disposal of the case within the time framed.

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(Rakesh Kumar, J)