

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.415 of 2013

In
Matrimonial Reference No. 185 of 2011

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Madhu Kumari D/O Ashok Prasad Choudhary Resident Of Village-
Uphrail, P.O.- Lalganj, P.S.- K. Hat, District- Purnea

.... Petitioner/s

Versus

1. Manish Kumar S/O Janardan Prasad Yadav Resident Of Village- Shree
Nagar, P.O.- Chharrapatti, P.S.- Sahebpur Kamal, District- Begusarai
2. Manish Kumar S/O Janardan Prasad Yadav Resident Of Village- Shree
Nagar, P.O.- Chharrapatti, P.S.- Sahebpur Kamal, District- Begusarai

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. N.K.Agrawal, Sr.Advocate.

For the Respondent/s : Mr. Md. Najmul Hoda.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR
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ORAL ORDER

6 17-05-2016 Heard learned counsel for the petitioner as well as

learned counsel for the opposite parties.

Petitioner, who is a wife has prayed for transfer of

Divorce Case No.185 of 2011 presently pending before the

Family Court, Begusarai, to Family Court, Purnea It has also been

submitted that two other cases having been lodged at the end of

the petitioner are also pending since before at Purnea.Further

more, it has also been submitted that for transfer of aforesaid two

cases husband had approached this court at an earlier occasion

vide Cr.Misc. No.31738 of 2014 as well as Cr.Misc.No.32418 of

2014 and the same were conjointly rejected vide order dated

8.4.2016 (Annexure-2 of supplementary affidavit). Further more, learned counsel for the petitioner relied upon Tejalben vrs. Mihirbhai Bharatbhai Kothari reported in 2016(3) SCC 69 to substantiate his pleas.

Learned counsel for the respondent has submitted that he is ready for one time settlement but wife is not ready to accept. It has also been submitted that, in case, the transfer is allowed then, it will be hardship to the petitioner. It has also been submitted that the life of the respondent will be at stake at the hands of the petitioner, and during course of frequently visit, he may face untoward incident.

Both the parties are an unfortunate spouses. On last so many dates were requested to reconcile and for that, learned counsel were also requested. However, the request yielded no fruit.

So far, transfer of Divorce Case No.185 of 2011 is concerned the wife has got upper hand, and further series of decisions including the present as reported in 2016 (3) SCC 69 goes in favour of the petitioner.

That being so, Divorce Case No.185 of 2011, presently pending before the Family Court, Begusarai, is directed to be transferred to the Family Court, Purnea. In the aforesaid

eventuality , the instant petition is allowed.



(Aditya Kumar Trivedi, J)

AnilKrSinha/-

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