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Punam Verma wife of Jay Kumar Verma, Daughter of Ayodhya Prasad Verma present resident at Station road, Surya Mill, Fatuha, P.S. Fatuha, District – Patna.

Versus

.... Opp. Party

Mr. Manoj Kumar



thereafter, she was left to reside with her parents at Fatuha. In the meanwhile, the opposite party filed divorce case, which was registered as Matrimonial (Divorce) Case No. 62 of 2016.

4. It was submitted by learned counsel for the petitioner that the opposite party appears to be in haste and this is the reason that though divorce case was filed on 22-07-2016, within short span of time on 07-09-2016, steps for substituted service was taken and notice was got published. It has been argued by learned counsel for the petitioner that since marriage of petitioner with opposite party was solemnized at Fatuha, which is under the jurisdiction of Patna court, in view of provision contained in Section 19 of the Hindu Marriage Act, 1955, the suit was required to be filed at Patna, not at Lakhisarai. He has also argued that on the date of filing of the suit, the petitioner was residing with her old parents at Fatuha. Learned counsel for the petitioner submits that being lady, it would be difficult for the petitioner to regularly attend the proceeding at Lakhisarai court from Patna and as such, a prayer has been made for transferring the record.

5. Sri Ambika Bhagat, learned counsel appearing on behalf of opposite party has vehemently opposed the prayer of the petitioner. In this case, a counter affidavit has also been filed. Sri Bhagat submits that the opposite party/husband is having apprehension that if he appears at Patna court, there is possibility



of manhandling and as such, he suggested that instead of transferring the case from Lakhisarai to Patna, the case can be transferred to any third place.

6. Besides hearing learned counsel for the parties, I have also perused the materials available on record. The fact regarding marriage of petitioner with opposite party was solemnized at Fatuha within the jurisdiction of Patna court has not been disputed. Moreover, being lady, it would be difficult for the petitioner to regularly attend the proceeding at Lakhisarai. Accordingly, for the ends of justice, it is desirable to direct for transferring the record from Lakhisarai to Patna.

7. Accordingly, the present petition is allowed.

8. Let the record of Matrimonial (Divorce) Case No. 62 of 2016 be transferred from the court of Principal Judge, Family Court, Lakhisarai to the court of Principal Judge, Family Court, Patna forthwith. It goes without saying that after receipt of record at Patna, the petitioner shall render full cooperation to the court below for early disposal of the case.

(Rakesh Kumar, J.)

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