

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2849 of 2013

In
Matrimonial Reference No. 124 of 2012

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Rita Singh W/O Sri Madhurendra Kumar, Resident of Mohalla Aamgola Paraw Pokhar Lane No. 2, P.S. Kaji Mohammadpur, District Muzaffarpur and D/O Arun Kumar Singh, Resident of Village Baharwa Lakhansen, P.S. Dhaka, District East Champaran.

.... Petitioner

Versus

Madhurendra Kumar S/O Late Alakh Singh, Resident of Mohalla Aamgola Paraw Pokhar Lane No. 2, P.S. Kaji Mohammadpur, District Muzaffarpur.

.... Opp.Party

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

6 27-01-2017 Heard Sri Vinay Ranjan, learned counsel for the petitioner and Sri Anil Kumar, learned counsel, who has appeared on behalf of Opp.Party/husband of the petitioner.

The petitioner has filed the present petition under Section 24 of the Code of Civil Procedure with a prayer to direct for transferring Matrimonial Case no.124 of 2012 from the court of Principal Judge, Family Court, Muzaffarpur to the Family Court, East Champaran. The petitioner has claimed that her marriage was solemnized with Opp.Party on 22.02.2007. However, subsequently she was mentally and physically tortured and finally she was ousted in March, 2012 from her in laws house. Thereafter, she started to live with her old parents in village-



Dhaka under the territorial jurisdiction of East Champaran at Motihari court. As per petition, Opp.Party filed Matrimonial Case, which was numbered as Matrimonial Case no.124 of 2012. The said case was initially filed in the garb of restitution of conjugal right under Section 9 of the Hindu Marriage Act. However, subsequently Opp.Party filed a petition for amendment to amend in the relief portion under Section 13 of the Hindu Marriage Act. It has been argued that since the petitioner is a lady, she is not in a position to regularly attend the proceeding at Muzaffarpur,

Sri Anil Kumar, learned counsel for Opp.Party has opposed the prayer of the petitioner and tried to persuade the Court that the petitioner had voluntarily left her in-laws house and thereafter, Opp.Party had filed a case for restitution of conjugal right. Since step for settlement failed on behalf of the petitioner, Opp.Party has filed petition for amending the relief under Section 13 of the Hindu Marriage Act, which has already been allowed.

Considering the fact that the petitioner is a lady and presently she is living with her old parents in village-Dhaka within the territorial jurisdiction of East Champaran court, for the ends of justice it would be appropriate for directing for transferring the record of Matrimonial Case No. 124/12 from the court of Family Court, Muzaffarpur to Family Court, East Champaran.



Accordingly, the petition is allowed.

Let the record of Matrimonial Case no.124/12 be transferred from the court of Family Court, Muzaffarpur to the Family Court, East Champaran forthwith.

It goes without saying that the petitioner will co-operate for early disposal of the case after the case record is transferred to the family Court, East Champaran.

(Rakesh Kumar, J)

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