

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No. 2318 of 2014

In

Matrimonial Reference No. 93 of 2014

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Ranjan Devi wife of Vinay Kumar Pathak, residing at quarter No. 40, opp.
of road No. 04, R. Block, P.S. Sachivalay, Distt- Patna

.... Petitioner

Versus

Vinay Kumar Pathak S/o Sri Nirajan Pathak residing at Village Murrah,
P.S.- Hasan Pur, Distt- Samastipur

.... Opp. Party

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Appearance :

For the Petitioner : Mr. Mani Madhukar

For the Opp. Party : Mr. Bijay Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4. 30-01-2017 Heard Sri Mani Madhukar, learned counsel for the
petitioner and Sri Bijay Bhushan Prasad, learned counsel for sole
opposite party/husband of the petitioner.

The present petition was filed with a prayer to direct
for transferring the Matrimonial Case No. 93 of 2014 from the
court of Principal Judge, Family Court, Samastipur to the court of
Principal Judge, Family Court, Patna.

It has been pleaded that marriage of the petitioner
with opposite party was solemnized on 06-12-2013 and she was
taken to her matrimonial house, however; within a few months,
she was ousted from her matrimonial house and thereafter, she
returned back to her parents' house and presently, she is residing



with her parents at Patna. According to learned counsel for the petitioner, since petitioner is lady, it would be difficult for her to go and participate in a proceeding at Samstipur court.

Sri Prasad, learned counsel appearing on behalf of husband/opposite party submits that it was not a case of ousting, but wife herself voluntarily returned to her parents' house and thereafter, she did not come. She returned on 21-03-2014 and since she was not coming back, the petitioner filed a petition under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal right. It has been argued that husband/opposite party is still ready to keep the petitioner as wife with respect and dignity.

Considering the fact that the husband has filed case for restitution of conjugal right and petitioner herself is not interested, there is no reason to pass any favourable order.

The petition stands dismissed.

In view of dismissal of this petition, the interim order of stay dated 12-09-2014 stands vacated.

(Rakesh Kumar, J.)

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