

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3979 of 2013

IN

Matrimonial Reference No. 139 of 2012

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Soni Kumari, W/O Sunil Kumar, D/O Sajan Sao, R/O Village - Madan Bigha, P.S. Chandauti, District - Gaya, At Present Resident of Village. - Sundara, P.S. Ayar, District - Bhojpur

.... Petitioner

Versus

Sunil Kumar, S/O Late Prayag Sao, R/O Village - Madan Bigha, P.S. Chandauti, District - Gaya

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate

For the Opposite Party : Mr. Ramashish, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 22-02-2017

Heard learned counsel for the petitioner and the opposite party.

This application has been filed for transfer of Matrimonial Suit No.139 of 2012 pending before the court of Principal Judge, Family Court, Gaya to the court of Principal Judge, Family Court, Bhojpur at Ara.

Ground taken for transfer is that the petitioner would face difficulty in appearing in the case as she belongs to a lower middle class family and is residing with her parents at Ara and has no independent source of income. She is not in a position to stay at Gaya for attending the litigation as it is also alleged that certain threats have



also been given to the petitioner by the opposite party. The petitioner has also filed a complaint case for prosecution of opposite party for the offence committed by him punishable under Section 498A of the Indian Penal Code.

However, learned counsel for the opposite party has submitted, though no counter affidavit has been filed, that from Annexure-2, which is plaint of the Matrimonial Suit No.139 of 2012 filed under Section 12 of Hindu Marriage Act for declaring the marriage null and void, it would be apparent that the case of the opposite party is that he was already married with Raj Kumari Devi of village-Punpun Ghat, District-Patna in the year 1986. However, he was forcibly married to the petitioner when he went to the house of his brother-in-law (Sarhu) and, thereafter, he was being threatened to solemnize the marriage.

In view of the aforesaid rival contention, this Court is of the opinion that, in the interest of justice, this case should neither remain at Gaya nor at Ara rather it should be transferred to the court of Principal Judge, Family Court, Patna as it would be convenient for the petitioner and the opposite party both to come to Patna for attending the matter.

Ordered accordingly.

Let the records of Matrimonial Case No.139/2012 be



transmitted by the court of Principal Judge, Family Court, Gaya to the court of Principal Judge, Family Court, Patna who shall proceed with the matter in accordance with law.

This disposes of the application.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	01.03.2017
Transmission Date	N.A.

