

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1426 of 2015

IN

Matrimonial Reference No. 162 of 2015

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Swarnim Priya, W/o Ajeet Kumar, D/o Sohan Mishra, Resident of village –
Kachhua, P.O. Chakauti, District - Darbhanga

.... Petitioner/s

Versus

Ajeet Kumar, son of Vijay Kumar Singh , resident of village – Bisaundha, P.S.
Dhanaur, P.S. Katara, District Muzaffarpur

.... opposite party /s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Jha

For the opposite party /s : Mr. Sanjay Kumar @ S.K.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 16-03-2017

1. Heard Sri Alok Kumar Jha, learned counsel for the petitioner and Sri Sanjay Kumar @ S.K., learned counsel for the opposite party /husband of the petitioner.

2. The petitioner, wife of opposite party, has approached this Court under Section 24 of the Code of Civil Procedure, 1908 with a prayer to direct for transferring Matrimonial Case No. 162 of 2015 from the court of Principal Judge , Family Court, Muzaffarpur to the court of Principal Judge, Family Court , Darbhanga.



3. It is the case of the petitioner that her marriage with the opposite party was solemnized on 8.6.2009. Thereafter, there was strained relation between the petitioner and her husband and finally, she was ousted from her matrimonial house and thereafter, since 2013 she is residing with her old parents in the district of Darbhanga. It has also been indicated that petitioner had filed a criminal case for the offence under Section 498(A)/ 34 of the Indian Penal Code & Section 3/4 of the Dowry Prohibition Act against her husband and other in - laws, which was registered as Darbhanga Sadar Mahila P.S. Case No. 40 of 2015. However, prior to lodging of the F.I.R. from the petitioner's side, her husband had already filed a matrimonial case vide Matrimonial (Divorce) Case No. 162 of 2015. By way of referring to the plaint in Matrimonial (Divorce) Case No. 162 of 2015 , which has been brought on record as Annexure '1' to the present petition, learned counsel for the petitioner has drawn my attention to statement made in paragraph no. '3' wherein the opposite party himself had accepted that his marriage with petitioner was solemnized in the district of Darbhanga. The marriage was solemnized on 8.6.2009. It has been argued by learned counsel for the petitioner that since marriage of petitioner with opposite party was solemnized at Darbhanga and after being ousted since she is residing with her parents in Darbhanga, in view of the provisions contained in Section



19 of the Hindu Marriage Act, 1955 the case is required to be transferred to Darbhanga. He further submits that being lady it would be difficult for her to regularly attend the proceedings at Muzaffarpur from Darbhanga.

4. Sri Sanjay Kumar @ S.K., learned counsel for the husband / opposite party has opposed the prayer for transfer . It was submitted by him that the village where petitioner is residing is about 40 K.M. away from the court at Muzaffarpur and almost the court at Darbhanga is at the same distance from the place where she is residing. According to learned counsel for the opposite party no purpose would be served in directing for transferring the record.

5. Besides hearing learned counsel for the parties, I have perused the materials available on record. In view of specific facts disclosed in the divorce petition i.e. marriage was solemnized at Darbhanga and the undisputed fact that presently petitioner /wife is residing at Darbhanga, the court is of the opinion that it would be just and proper to direct for transferring the record from Muzaffarpur to Darbhanga. Accordingly, the petition stands allowed. Let the record of Matrimonial Case No. 162 of 2015 be transferred from the court of Principal Judge, Family Court, Muzaffarpur to the Principal Judge, Family Court , Darbhanga forthwith.

6. It is clarified that after receipt of the record from



Muzaffarpur to Darbhanga, the petitioner will render full co-operation
for early disposal of the divorce case.

(Rakesh Kumar, J)

Praful/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18-03-2017
Transmission Date	18-03-2017

