

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2048 of 2016

=====

Pratima Kumari wife of Shree Rajeev Kumar resident of Village Paspura, P.S. Muffasil, District Begusarai. at present residing with Father namely Kamaldeo Singh resident of Village Daulachak, P.S. Kashichak, District Nawada.

.... Petitioner/s

Versus

Rajeev Kumar son of Late Jaganath Singh , resident of village Paspura, Ward No. 17, District- Begusarai.

.... O.P./s

=====

Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan Kumar

For the O.P./s : Mr. Awdhesh Kumar Pandey

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 11-05-2017

1. Heard Sri Rajesh Ranjan Kumar, learned counsel for the petitioner and Sri Awadhesh Kumar Pandey, learned counsel for the opposite party/ husband of the petitioner.

2. The petitioner , has approached this Court under Section 24 of the Code of Civil Procedure , 1908 with a prayer to direct for transferring Matrimonial (Divorce) Case No. 114 of 2015 from the court of Principal Judge, Family Court, Begusarai to the Court of Principal Judge, Family Court, Nawada.

3. It has been disclosed that marriage of the petitioner with opposite party was solemnized in the year 2009. Learned counsel for the petitioner by way of referring to the statement made in paragraph no. 2 of the plaint , which was filed by the opposite party before the court below vide Matrimonial (Divorce) Case No. 114 of 2015



submits that marriage of the petitioner with opposite party was solemnized on 17th June, 2009 in the village - Kashichak within the district of Nawada. He submits that after marriage in view of non - fulfillment of demand of dowry, the petitioner was initially tortured and finally, she was ousted and thereafter, petitioner started to live with her old parents in the District of Nawada. He further submits that being lady, petitioner may feel several difficulty in properly participating in Begusarai Court from Nawada, and as such, a prayer has been made to transfer the record from Begusarai to Nawada.

4. Sri Awadhesh Kumar Pandey, learned counsel for the opposite party has opposed the prayer. He submits that petitioner's brother is having criminal background and there is possibility that if the case is transferred to Nawada, the opposite party may be manhandled by the henchmen of the petitioner. He prayed for transferring the case to any third place other than Begusarai and Nawada .

5. Besides hearing learned counsel for the parties , I have perused the materials available on record particularly the statement made in the plaint, which was filed before the court below. On going through the same it is evident that marriage of petitioner with opposite party was solemnized within the territorial jurisdiction of the court of Nawada and as such , in view of the provision contained in



Section 19 of the Hindu Marriage Act, 1955 , in normal course , the opposite party was required to file the case in the court at Nawada not at Begusarai. Moreover, considering the fact that petitioner is lady, the Court appreciates the difficulty to be faced by the petitioner in participating in the proceedings at Begusarai Court from Nawada. So far suggestion made by learned counsel for the opposite party for transferring the case to any third place is concerned, the Court is of the opinion that the main object for transferring the case is to protect the interest of the wife of the opposite party and as such, this suggestion may not be accepted.

6. In view of the facts and circumstances , the present petition stands allowed. Let the record of Matrimonial (Divorce) Case No. 114 of 2015 be transferred from the court of Principal Judge, Family Court, Begusarai to the court of Principal Judge, Family Court Nawada forthwith.

7. It goes without saying that after receipt of the record at Nawada, the petitioner shall render full co-operation for early disposal of the case.

(Rakesh Kumar, J)

Praful/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15-05-2017
Transmission Date	15 -05-2017

