

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3919 of 2014

In
MAT. SUIT 349 of 2013

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Smt. Nitu Kumari @ Neetu Thakur Wife of Sri Purushottam Thakur ,
Resident of village - Harishankar Maniyari , P.O. - Silout, P.S. - Maniyari ,
District - Muzaffarpur and Daughter of Sri Bishundeo Pd. Singh , Resident
of Village - Mahisaur P.S. - Jandaha , District - Vaishali at present resident
of At S.N. Dubey , Budha Colony , Goriaya Asthan , P.S. - Budha Colony,
District- Patna.

.... Petitioner

Versus

Sri Purushottam Thakur, Son of Late Chandeshwar Thakur, Resident of
Village - Harishankar Maniyari , P.O. - Silout , P.S. - Maniyari, District -
Muzaffarpur.

.... Opp.Party

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Appearance :

For the Petitioner/s : Mr. Vivek Kumar Singh, Adv.
For the Respondent/s : Mr. Jai Prakash Sharma, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 04-02-2017 Heard Sri Vivek Kumar Singh, learned counsel for
the petitioner and Sri Jai Prakash Sharma, learned counsel for
Opp.Party/ husband of the petitioner.

The petitioner has approached this Court under
Section 24 of the Code of Civil Procedure with a prayer to direct
for transferring Matrimonial Case no.349 of 2013 from the court
of learned Principal Judge, Family Court, Muzaffarpur to the court
of learned Principal Judge, Family Court, Patna.

It was submitted by learned counsel for the
petitioner that the petitioner is living with her parents at Patna and



from wedlock she has got two children and both children are studying in A.V.Public School, Bodha Colony, Patna and, as such, it would be difficult for the petitioner to attend the proceeding at Muzaffarpur. He further submits that the petitioner apprehends danger to her life, if she participates the proceeding at Muzaffarpur. On this ground, the petitioner has made a prayer for transferring the record of Matrimonial Case no.349 of 2014 from Muzaffarpur to Patna.

Learned counsel for Opp.Party, by way of referring to statements made in the counter affidavit, submits that Opp.Party is still ready to keep his wife (the petitioner) with full dignity and respect. However, since she is avoiding to live with him, the Opp.Party was constrained to file Matrimonial Case not for the purpose of dissolution of marriage, but for the purpose of enforcement of restitution of conjugal right.

Keeping in view the fact that the case, which has been sought to be transferred, pertains to restitution of conjugal right, it would not be proper for directing for transferring the case.

Considering the facts and circumstances, I do not find any ground to pass favourable order. The petition stands dismissed.



In view of dismissal of the present petition, interim
order of stay dated 13.11. 2014 stands vacated.

(Rakesh Kumar, J)

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