

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2598 of 2015

IN

Matrimonial Reference No. 4995 of 2014

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Indu Kumari D/o Late Bashishtha Narain Singh, W/o Shri Shrawan Kumar,
Resident of Village - Ramdiri Nakti Tola, P.S. - Matihani, District - Begusarai.

.... Petitioner/s

Versus

Shrawan Kumar S/o Sri Balram Sharma (Retired Teacher), resident of village -
Lakhanpura, P.S. - Bakhtiyarpur, District - Patna.

.... opposite party /s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar

For the opposite party /s : Mr. Pramod Kumar

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 15-03-2017

Heard Sri Rakesh Kumar, learned counsel for the petitioner
and Sri Pramod Kumar, learned counsel appearing on behalf of the
opposite party /husband of the petitioner.

The petitioner, has approached this Court under Section 24
read with Section 151 of the Code of Civil Procedure 1908 with a
prayer to direct for transferring the record of M.M. (Divorce) Case
No. 4995 of 2014 from the court of Principal Judge, Family Court,
Patna to the court of Principal Judge, Family Court, Begusarai.

It was submitted by learned counsel for the petitioner that
petitioner's marriage with the opposite party was solemnized in the
year 1999 and thereafter, she went to her in -laws house. It was
submitted by learned counsel for the petitioner that subsequently due



to some dispute petitioner was ousted and thereafter , in Begusarai she filed a maintenance case vide Maintenance Case No. 27M of 2011 , which is pending in the court at Begusarai. It has been argued that after noticing the fact regarding filing of maintenance case, the husband/ opposite party only and only with a view to further harass the petitioner had filed a divorce case at Patna. It has been argued that petitioner is residing within the territorial jurisdiction of the Family Court, Begusarai and for her, being lady, it would be difficult to regularly attend the proceedings at Patna from Begusarai.

Sri Pramod Kumar , learned counsel for the opposite party , though has opposed the prayer for transfer but he accepts that as per settled law the prayer of the petitioner may not be disputed.

Besides hearing learned counsel for the parties , I have perused the materials available on record. Considering the fact that initially from the petitioner's side a maintenance case was filed at Begusarai and only thereafter the present divorce case has been filed as well as the fact that petitioner is residing in the district of Begusarai, for the ends of justice, it is required to direct for transferring the record from Patna court to Begusarai court. Accordingly , the petition stands allowed with a direction to transfer the record of M.M. (Divorce) Case No. 4995 of 2014 from the court of Principal Judge, Family Court , Patna to the court of Principal



Judge, Family Court, Begusarai forthwith.

It is clarified that after the record is transferred to Begusarai , the petitioner shall render full co-operation to the trial court for early disposal of the case.

The petition stands allowed.

(Rakesh Kumar, J)

Praful/-

AFR/NAFR	NAFR
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