

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2646 of 2015

In

Matrimonial Reference No. 1194 of 2013

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Kanchan Devi @ Kanchan Tapan Nayak wife of Tapan Nayak, daughter of
Vijay Mandal Resident of Village- Bishanpur, Near Purani Durga Asthan,
P.S. Town, District- Begusarai.

.... Petitioner/s

Versus

Tapan Nayak son of Indradeo Nayak, resident of village- Naya Gaon, P.S.-
East Colony, P.O. Jamalpur, Distt Munger. Presently posted as Asstt. Loco
Pylot RD-1, 262/5, Junior Institute Ganesh Hall, Sangam Colony Daud,
District- Pune- 413801 Maharastra.

.... opposite party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the opposite party/s : Mr. Shivendra Kishore Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 10-01-2017 Heard Sri Sandip Kumar Gautam , learned counsel for

the petitioner and Sri Shivendra Kishore Sinha, learned counsel

for the sole opposite party.

The petitioner / wife of the sole opposite party has
approached this court with a prayer to transfer Matrimonial
Divorce Case No. 1194 of 2013 from the court of Principal Judge,
Family Court, Munger to the court of Principal Judge, Family
Court, Begusarai.

A plea has been taken by learned counsel for the
petitioner that petitioner being wife of the opposite party was
residing peacefully however subsequently the petitioner was given



ill treatment and she was finally ousted from her matrimonial house and thereafter petitioner is presently residing with her parents at Begusarai. It has been argued that petitioner had taken all steps so that she may reside with the opposite party peacefully as wife but all efforts went in vain. In the meanwhile the opposite party filed a case for dissolution of the marriage in the court of Principal Judge, Family Court, Munger. Learned counsel for the petitioner submits that being lady it would be difficult for the petitioner to regularly attend proceeding in divorce case at Munger from Begusarai. Besides incurring undue expenditure she may suffer otherwise .

Sri Shivendra Kumar Sinha, learned counsel appearing on behalf of the opposite party/ husband of the petitioner has opposed the prayer. He submits that earlier the opposite party was summoned by the petitioner for settling the dispute at Begusarai but he was manhandled and as such he apprehends if the case is transferred from Munger to Begusarai the husband may again be assaulted. He submits that if the court is inclined to transfer the case from Munger then instead of transferring the case to Begusarai it may be transferred to any other court.

Besides hearing I have perused the material available on record. Transfer of case from Munger to Begusarai has been



sought for purely on the ground that being lady the petitioner may suffer. As lady it would be difficult for her to regularly attend the proceeding at Munger by travelling from Begusarai. In such situation it would be difficult for this court to agree with the submission of Sri Sinha, learned counsel for the opposite party for transferring the case to any court other than Munger as well as Begusarai . Since the convenience of the petitioner being lady is to be examined the court is of the opinion that no purpose would be served in transferring the case from Munger to any other judgeship except Begusarai. For just decision in the matter it is necessary to direct for transferring the record of Matrimonial Divorce Case No. 1194 of 2013 from Munger to Principal Judge, Family Court, Begusarai. The present petition is allowed with direction to transfer the records from Munger to Begusarai forthwith.

The petition stands allowed.

(Rakesh Kumar, J)

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