

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.724 of 2016

In
Matrimonial Reference No. 271 of 2014

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Smt. Anamika, wife of Anjani Kumar @ Banti , aged about 31 years,
resident of village + P.O.+ P.S. Natwar, District-Rohtas, at present D/O
Janardan Singh, Mohalla- Raghu Niketan, Donwar Kothi, Katira, P.S. Ara
Town, District- Bhojpur

.... Petitioner

Versus

Anjani Kumar @ Banti son of Ashok Kumar Rai, resident of village+ P.O.
+ Police Station-Natwar, District-Rohtas

.... Opp.Party.

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Appearance :

For the Petitioner/s : Mr. Madheshwar Singh
For the Respondent/s : Mr. Rajni Ranjan Pd. Singh
Mr. Ajay Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5 17-04-2017 Heard Sri Madheshwar Singh, learned counsel for

the petitioner and Sri Rajni Ranjan Prasad Singh, learned counsel,

assisted by Sri Ajay Kumar Singh, learned counsel for

Opp.Party/husband of the petitioner.

The petitioner has approached this Court by filing
the present petition under Section 24 of the Code of Civil
Procedure with a prayer to direct for transferring Matrimonial
Case No.271 of 2014 from the court of learned Principal Judge,
Family Court, Rohtas at Sasaram to the court of Principal Judge,
Family Court, Bhojpur at Ara.

Short fact ,as pleaded in the petition, is that the
petitioner's marriage was solemnized with Opp.Party on



21.11.2011 at village- Ghoradei, Police Station-Ara Town in the district of Bhojpur. After the marriage, when the petitioner went to matrimonial house, demand of huge dowry was made and due to non-fulfilment of the same, her husband and other in-law members started torturing mentally and physically and finally she was ousted from her matrimonial house. Thereafter, she started living with her old parents at Ara, Bhojpur.

Learned counsel for the petitioner submits that for the petitioner being a lady, it is difficult for her to regularly attend the proceeding at Sasaram from Ara. It has also been argued that since the marriage was solemnized at Ara, in view of provisions contained in Hindu Marriage Act, the suit for divorce was to be filed within the territorial jurisdiction of Ara court not at Rohtas. It has also been argued that on the date of filing of the case, the petitioner was residing at Ara. On the aforesaid ground, a prayer has been made to transfer Matrimonial Case no.271 of 2014.

Learned counsel appearing on behalf of Opp.Party has vehemently opposed the prayer for transferring Matrimonial case no.271 of 2014. It has been argued that the petitioner has filed a criminal case at Sasaram in the district of Rohtas vide Natwar P.S. Case No.58/ 2015. According to learned counsel for Opp.Party, the petitioner once had filed a case at Sasaram , there



would not be difficulty for her to appear at Sasaram. He further submits that besides Natwar P.S. Case no.58/2015, other case was also filed against Opp.Party by the petitioner. According to learned counsel for Opp.Party, the petitioner resides near the Civil Court at Ara and, as such, there is apprehension to the husband that if he appears at Ara court, he may be assaulted. On the aforesaid ground, a prayer has been made to reject the prayer for transferring Matrimonial Case No.271 of 2014.

Besides hearing learned counsel for the parties I have also perused the materials available on record. In the present petition, a specific stand has been taken that the marriage was solemnized at Ara and on the date of filing of the case, the petitioner was residing with her old parents at Ara. Moreover, being a lady, the Court considers that it would be difficult for the petitioner to regularly attend the proceeding at Sasaram from Ara and, as such, for the ends of justice, it is necessary to direct for transferring the record of Matrimonial Case No.271 of 2014 from Sasaram to Ara.

Accordingly, the petition is allowed with a direction to transfer Matrimonial Case no.271 of 2014 from the court of Principal Judge, Family Court, Sasaram(Rohtas) to the court of Principal Judge, Family Court, Ara (Bhojpur) within a period of



eight weeks from the date of receipt/production of a copy of this order. It is observed that after receipt of the record at Ara, the petitioner shall render full co-operation for early disposal of the case.

(Rakesh Kumar, J)

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