

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No. 4605 of 2014

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Rinki Kumari @ Rinki Verma, Wife of Ajit Kumar Sinha @ Parrot, D/O Sri Narendra Kumar Verma, Resident of Village + P.O. Fatehpur, P.S. Sheohar, District - Sheohar

.... Petitioner

Versus

Ajit Kumar Sinha @ Parrot, Son of Late Gopal Prasad Sinha, Resident of Village- Mahmadpur, Ward No. 38, P.S. Sadar, District Begusarai

.... Opp. Party

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar

For the Opp. Party/s : Mr. Sandip Kumar Gautam

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 28-03-2017

Heard Sri Devendra Kumar, learned counsel for the petitioner and Sri Sandip Kumar Gautam, learned counsel appearing on behalf of opposite party/husband of the petitioner.

2. The petitioner has approached this Court under Section 24 r/w 151 of the Code of Civil Procedure, 1908, with a prayer to direct for transferring the record of Divorce Case No. 152 of 2013 from the court of Principal Judge, Family Court, Begusarai to the court of Principal Judge, Family Court, Sheohar.

3. It is case of the petitioner that her marriage with opposite party was solemnized in the year 2012 and after marriage, she remained for about one year in her matrimonial house, but regularly she was being tortured physically and mentally due to non-



fulfillment of demand of dowry. Finally, she was dropped to her parents' house within the district of Sheohar. It has also been claimed that on being tortured, the petitioner initially had filed a complaint before the *Mahila Helpline* and thereafter, she filed a complaint, vide Complaint Case No. 612(C) of 2013, against her husband and other in-laws members for offence under Sections 498(A) & 406 of the Indian Penal Code as well as Sections 3 & 4 of the Dowry Prohibition Act, 1961. It has been argued that on completely unsustainable ground, the husband has filed the divorce case, primarily on the ground that petitioner is mentally ill. It has been argued that being lady, it would be difficult for her to regularly attend the proceeding from Sheohar to Begusarai court and as such, a prayer has been made to transfer the record of the divorce case.

4. Sri Sandip Kumar Gautam, learned counsel for the opposite party has vehemently opposed the prayer for transfer. He submits that marriage of petitioner with opposite party was solemnized within the territorial jurisdiction of Begusarai court and she remained only for 9 days and during that period, her abnormal behaviour was noticed by the opposite party and finally, she was dropped to her parents house, however; it has not been disputed that the petitioner is residing with her old parents at Sheohar. He has also not disputed the fact that wife has also filed a complaint case against



the opposite party and other family members.

5. Besides hearing learned counsel for the parties, I have also perused the materials available on record. The Court is in agreement with the submission of the learned counsel for the petitioner that the petitioner, being lady, may face hardship in regularly attending the proceeding at Begusarai from Sheohar. For just decision in the matter, it would be appropriate to direct for transferring the record of Divorce Case No. 152 of 2013 from Begusarai to Sheohar.

6. The petition stands allowed with a direction to transfer the Divorce Case No. 152 of 2013 from the court of Principal Judge, Family Court, Begusarai to the court of Principal Judge, Family Court, Sheohar forthwith.

7. It is clarified that after receipt of the record at Sheohar court, the petitioner shall render full cooperation for early disposal of the case.

(Rakesh Kumar, J.)

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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	30.03.2017
Transmission Date	30.03.2017

