

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4313 of 2013

In
Matrimonial Reference No. 3 of 2013

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Mamta Devi w/o Sri Krishna Kumar Lal, h/o Sri Rajesh Kumar Gupta,
Lane No.-4 Chandmari Road, near Mukutdhari Niwas, P.S.- Kankarbagh
Distt.- Patna.

.... Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Law Department, Bihar
2. The Registrar, Civil Court, Muzaffarpur
3. The Registrar, Civil Court, Patna.
4. Sri Krishna Kumar Lal s/o Sri Rajdeo Prasad, resident of mohalla
Bhagwanpur chowk, I.G. Colony P.O. Bhagwanpur P.S. Sadar, District-
Muzaffarpur.

.... opposite party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the opposite party/s : Mr. Sanjay Kumar@ S.K.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5 17-01-2017 Heard Sri Anil Kumar, learned counsel who was assisted

by Sri Sanjay Kumar , learned counsel for the petitioner and Sri
Sanjay Kumar @ S.K., learned counsel for the opposite party no.
4/ husband of petitioner.

The petitioner has approached this court under Section 24
of the Code of Civil Procedure with a prayer to direct for
transferring the case record of Guardian Case No. 03 of 2013 from
the court of Principal Judge, Family Court, Muzaffarpur to the
court of Principal Judge, Family Court, Patna.

It was submitted by learned counsel for the petitioner that



petitioner's marriage with the opposite party no. 4 was solemnized on 2.7.1998 in Deoghar. Thereafter she started to live her conjugal life with her husband/ opposite party no. 4 but subsequently the opposite party no. 4 and his family member had started administering torture and she (petitioner) was finally ousted in the month of August 1999. The petitioner with the said wedlock was subsequently in the month of February 2000 blessed with a male child. Petitioner after being ousted from her matrimonial house started to live at Patna with her own brother and his family. She anyhow developed his child who was born in the month of February 2000. Suddenly in the year 2013 the opposite party no. 4 claiming to be father and husband filed a Guardian Case vide Guardian Case No. 03 of 2013 in the court of Principal Judge, Family Court, Muzaffarpur. Learned counsel for the petitioner submits that since petitioner is a lady and for several years she was not taken notice by the opposite party no. 4 at this belated stage that too at such far distance it would be really difficult for the petitioner to regularly attend the case and defend the case at Muzaffarpur. Accordingly a prayer has been made to transfer the record from Muzaffarpur to Patna .

Learned counsel appearing on behalf of the opposite party no. 4 has opposed the prayer. By way of referring to certain fact



disclosed in the show cause filed on his behalf it was submitted by learned counsel for the opposite party no. 4 that petitioner had voluntarily deserted her husband.

Be that as it may , after considering the facts particularly the fact that marriage of the petitioner was solemnized in the year 1998 and in February 2000 she was blessed with a male child and she is residing with brother's family at Patna, the Court appreciates the difficulty of the petitioner to easily participate in the proceeding at Muzaffarpur. Accordingly , for the ends of justice it is desirable to direct for transferring the record of Guardian Case No. 03 of 2013 from the court of Principal Judge, Family Court Muzaffarpur to the Principal Judge, Family Court, Patna. It is hereby directed. The record must be transferred within a period of six weeks from the date of receipt /production of a copy of this order.

The petition stands allowed.

(Rakesh Kumar, J)

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