

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No. 929 of 2014

In

Mat. Suit No. 260 of 2012

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Babita Devi @ Babita Kumari W/O Sanjit Kumar Giri Resident of Village
P.O. – BathuBuzurg, P.S. - Musrigharari, Dist - Samastipur, At present
Daughter of Ramdeo Bharti Resident of Village + P.O. - Deopura, P.S. -
Navkothi, Distt. – Begusarai.

.... Petitioner

Versus

Sanjit Kumar Giri Son of Shri Ramanand Giri Village + Post –
BathuaBazurg, P.S. - Musrigarari, Distt - Samastipur

.... Opposite Party

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with

Miscellaneous Jurisdiction Case No. 947 of 2014

IN

Matrimonial Reference No. 241 of 2013

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Babita Devi @ Babita Kumari W/o Sanjit Kumar Giri Resident of Village
P.O. – BathuBuzurg, P.S. - Musrigharari, Dist - Samastipur, At Present
Daughter of Ramdeo Bharti Resident of Village + P.O. - Deopura, P.S. -
Navkothi, Distt. - Begusarai.

... Petitioner

Versus

Sanjit Kumar Giri Son of Shri Ramanand Giri Village + Post –
BathuaBazurg, P.S. - Musrigarari, Distt – Samastipur.

.... Opposite Party

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Appearance :

(In MJC No.929 of 2014)

For the Petitioner/s : Mr. Din Bandhu Mishra

For the Opp. Party/s : Mrs. Anuradha Singh

Mrs. Kumari Ranjana Bharti

(In MJC No.947 of 2014)

For the Petitioner/s : Mr. Din Bandhu Mishra

For the Opp. Party/s : Mrs. Anuradha Singh

Mrs. Kumari Ranjana Bharti

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

6. 22-02-2017

Heard Sri Din Bandhu Mishra, learned counsel for the

petitioner and Smt. Kumari Ranjana Bharti, learned counsel, who

has appeared on instruction of Smt. Anuradha Singh, who has now



become law officer. Smt. Anuradha Singh, learned counsel had filed *vakalatnama* on behalf of opposite party i.e. husband of the petitioner.

2. Since in both the aforesaid petitions, parties are same and there is matrimonial dispute, both the cases were heard together and with the consent of the parties, same are being disposed of by this common order.

3. In the 1st case i.e. M.J.C. No. 929 of 2014, the petitioner, invoking jurisdiction of this Court under Section 24 of the Code of Civil Procedure, 1908, has prayed for transferring the Matrimonial Suit No. 260 of 2012, which was filed for the purposes of restitution of conjugal right. The prayer has been made for transferring the record of Matrimonial Suit No. 260 of 2012 from the court of Principal Judge, Family Court, Samastipur to the court of Principal Judge, Family Court, Begusarai.

4. Similarly, in second case i.e. M.J.C. No. 947 of 2014, the petitioner, wife of the opposite party, has approached this Court under Section 24 of the Code of Civil Procedure, with a prayer to direct for transferring the Divorce Case No. 241 of 2013 from the court of Principal Judge, Family Court, Samastipur to the court of Principal Judge, Family Court, Begusarai.

5. Short fact of the case is that petitioner's marriage with opposite party was solemnized long back in the year 1991 at



Begusarai. It has been alleged by the petitioner that since from inception of the marriage, the petitioner was administered torture physical as well as mental, due to non-fulfillment of demand of dowry and she was earlier ousted, but subsequently after assurance for payment given by the father of the petitioner, the petitioner started to live at her matrimonial house. Even thereafter, on several occasions, she was ousted and again she was allowed to reside in the matrimonial house. A plea has been taken that in the year 2012, the petitioner felt some abdominal problem. Even thereafter, the petitioner was not got thoroughly treated by the doctor. Subsequently, the petitioner was carried by her father to Begusarai, where she was medically examined and also surgically operated. In the meanwhile, she got an information regarding filing of the first case i.e. Matrimonial Case No. 260 of 2012, which was filed in the garb of restitution of conjugal right. The petitioner since was regularly tortured also filed a complaint case against her husband and in-laws in the court of C.J.M., Begusarai. It has been pleaded that the opposite party has already appeared in the complaint case i.e. Complaint Case No. 2396 of 2013 in a court at Begusarai. Subsequently, the petitioner noticed that the husband had filed a separate petition for divorce, numbered as Divorce Case No. 241 of 2013, that too in the court at Samastipur and thereafter, petitioner approached this Court by filing aforesaid



petitions.

6. It has been argued by Sri Mishra, learned counsel for the petitioner that being lady and having no source of income, it would be difficult for her to participate in proceeding at Samastipur from Begusarai. Accordingly, a prayer has been made to direct for transferring the record of both the cases from Samastipur to Begusarai.

7. Learned counsel for opposite party, after some argument, agreed that there would be no difficulty for the husband in participating the proceeding, if the record is transferred to Begusarai

In view of facts & circumstances, both the petitions stand allowed with a direction to transfer the record of Matrimonial Suit No. 260 of 2012 and Divorce Case No. 241 of 2013 from the court of Principal Judge, Family Court, Samastipur to the court of Principal Judge, Family Court, Begusarai forthwith.

It goes without saying that after receipt of the record in the Begusarai, the petitioner will render full cooperation for early disposal of the cases.

(Rakesh Kumar, J.)

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