

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Miscellaneous Jurisdiction Case No. 115 of 2014**

**In**

**Matrimonial Reference No. 99 of 2010**

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Manju Sahu W/o Narendra Kumar Bhagat at present residing with father-  
Ram Chariter Sahu, Mohalla- Ahiyapur, P.S- Ahiyapur, District-  
Muzaffarpur.

.... .... Petitioner

Versus

Narendra Kumar Bhagat S/O Late Ram Deo Bhagat Mohalla- Talkhapur,  
P.S & District- Sitamarhi.

.... .... Opp. Party

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**Appearance :**

For the Petitioner/s : Mr. Sanjay Parasmani

For the Opp. Party/s : Mr. Alok Ranjan

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**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**  
**ORAL ORDER**

4. 19-01-2017 Heard Sri Sanjay Parasmani, learned counsel for the  
petitioner and Sri Alok Ranjan, learned counsel for the opposite  
party, husband of petitioner.

The petitioner has approached this Court under  
Section 24 of the Code of Civil Procedure, 1908 to direct for  
transfer of Matrimonial Case No. 99 of 2010 from the court of  
Principal Judge, Family Court, Sitamarhi to the court of Principal  
Judge, Family Court, Muzaffarpur.

It was submitted by learned counsel for the petitioner  
that marriage of petitioner with opposite party was solemnized in  
the year 2000. Subsequently, in the year 2002, the petitioner from  
the wedlock was blessed with a male child and thereafter, the



petitioner was administered torture and finally she was ousted from her matrimonial house in the year 2002 itself. Since the petitioner was having no other shelter, she returned to her parents' house at Muzaffarpur and she is still residing in Muzaffarpur.

Learned counsel for the petitioner submits that earlier for offence under Section 498(A) of the Indian Penal Code, a complaint case was filed and even petitioner has filed maintenance case, vide Maintenance Case No. 126 of 2007, which is pending in the Family Court, Muzaffarpur. He further submits that husband of the petitioner has already entered appearance in matrimonial case at Muzaffarpur. In sum & substance, it has been argued that it is difficult for the petitioner to regularly attend the court proceeding from Muzaffarpur to Sitamarhi in Matrimonial Case No. 99 of 2010, which has primarily been filed for divorce under Section 13 of the Hindu Marriage Act, 1955.

Sri Alok Ranjan, learned counsel appearing on behalf of opposite party has vehemently opposed the prayer for transfer. He submits that in matrimonial case, some witnesses on behalf of the husband have already been examined and proceeding is going on. He has further argued that the petitioner, who is a Government teacher, has now been transferred from Muzaffarpur to the district of Sitamarhi and she is posted in a school at Belsand block.



According to learned counsel for the opposite party, since the petitioner is already discharging her duty at Belsand in the district of Sitamarhi, there is no question for raising any dispute of difficulty in attending the court proceeding at Sitamarhi court.

Besides hearing, I have also perused the materials on record. Fact remains that petitioner is a lady and having a minor child and as such, it is difficult for her to regularly attend the proceeding in Sitamarhi court. For the ends of justice, the Court is of the opinion that the present petition is required to be allowed, which is hereby allowed.

Let the record of Matrimonial Case No. 99 of 2010 be transferred from the court of Principal Judge, Family Court, Sitamarhi to the court of Principal Judge, Family Court, Muzaffarpur forthwith.

**(Rakesh Kumar, J.)**

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