

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1877 of 2016

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Abhishek Kumar, aged about 44 years, son of Late Jitendra Prasad Srivastava, resident at Srikunj, 1/12 Vivekanand Marg, North Srikrishnapuri, Police Station-Srikrishnapuri, Patna, Bihar-800013

.... Petitioner

Versus

Priyanka Sinha, aged about 34 years wife of Abhishek Kumar and daughter of Prof. Arbind Kumar Saha, presently residing at Saroj Sadan, Red House Compound, Professor Colony, Road No.6, Beside Blue Bird School, P.O. Rampur, Police Station-Rampur, District-Gaya, Bihar-823001

.... Opp.Party

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 02-03-2017 Heard Sri Rakesh Kumar, learned counsel for the petitioner.

The petitioner, who is husband of Opp.Party, has approached this Court under Section 24 of the Code of Civil Procedure, with a prayer to direct for transferring the record of Divorce Case M.T.S. 299 of 2015 from the court of learned Principal Judge, Family Court, Gaya to the court of learned Principal Judge, Family Court, Patna. A plea has been taken that prior to filing of the present divorce case, the petitioner had filed a case for restitution of conjugal right under Section -9 of Hindu Marriage Act, which is pending before the learned Principal Judge, Family Court, Gaya. He further submits that the petitioner is residing at Patna with his old mother and for the petitioner; it



would be difficult to participate in the proceeding at Gaya. However, on perusal of Annexure-1 to the present petition, which is a certificate of marriage under Section 15 of the Special Marriage Act, 1954, it is evident that the marriage was solemnized at Gaya. Keeping in view the fact that the Opp.Party is wife of the petitioner, in normal course, for a lady it would not be appropriate to direct her to come at Patna from Gaya. Moreover, since the marriage was solemnized at Gaya, there is no reason to entertain the present petition.

The petition stands dismissed.

(Rakesh Kumar, J)

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