

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3224 of 2014

IN

Matrimonial Reference No. 82 of 2014

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Shama Parween wife of Noorul Hoda, resident of Gulistan Mohalla Phulwarisharif, Patna, Post Office and Police Station Phulwarisharif, District - Patna.

.... Petitioner/s

Versus

Noorul Hoda son of Samsul Hasan, Resident of Village Gulistan Mohalla Phulwarisharif, Patna P.O. & P.S. Phulwarisharif, District Patna at present Programme Officer(MGNREGS) Rampur Block, Belaon , District Kaimur Bhabua, Residence C/o Salim Ansari, Bhabhua Ward No.9 P.O. & P.S. Bhabhua District Kaimur (Bhabua)

.... Opposite Party /s

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Appearance :

For the Petitioner/s : Mr. Ajay Mishra

For the Opposite Party/s : Mr. Dharmendra Kumar

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 27-03-2017

1. Heard Mr. Ajay Mishra, learned counsel for the petitioner and Sri Dharmendra Kumar Singh, learned counsel, who has appeared on behalf of the opposite party /husband of the petitioner.

2. The present petition has been filed under Section 24 read with Section 151 of the Code of Civil Procedure, 1908 with a prayer to direct for transferring the Matrimonial Case No. 82 of 2014 from the court of Principal Judge, Family Court, Kaimur at Bhabhua to the court of Principal Judge, Family Court, Patna.

3. Short fact of the case is that petitioner's marriage with



the opposite party was solemnized on 23.10.2013 within the territorial jurisdiction of Patna. After marriage due to non – fulfillment of the demand of dowry the petitioner was tortured and thereafter she was compelled to leave the matrimonial place. It has been alleged that petitioner as well as her husband/ opposite party both are permanent resident of Patna but with a view to mentally and physically harass the petitioner the opposite party has filed the case i.e. Matrimonial Case No. 82 of 2014 for restitution of conjugal life. It has been pleaded that after being ousted, from petitioner's side on number of occasions steps were taken to settle the dispute but all efforts went in vain and thereafter the petitioner was constrained to approach this court for transferring the record. It was submitted by learned counsel for the petitioner that being lady it would be difficult for the petitioner to regularly attend the proceedings from Patna to Kaimur at Bhabhua. Accordingly, on the aforesaid grounds, a prayer has been made to transfer the case. Learned counsel for the petitioner further submits that petitioner presently is residing with her parents in Gardanibagh, Patna.

4. Sri Dharmendra Kumar Singh, learned counsel for the opposite party has vehemently opposed the prayer for transferring the case. He submits that opposite party is a Government employee and since after marriage he was transferred to Kaimur at Bhabhua and he



is residing at Bhabhua it would not be possible for the opposite party to contest the proceedings at Patna.

5. Besides hearing learned counsel for the parties I have perused the materials available on record. Fact remains that marriage of petitioner with opposite party was solemnized within the territorial jurisdiction of Patna court and being lady , as submitted by learned counsel for the petitioner, it would be difficult for her to regularly attend the proceedings at Kaimur Court at Bhabhua from Patna which is far away. Considering the facts and circumstances and appreciating the difficulty of the petitioner the court proposes to direct for transferring the record of Matrimonial Case No. 82 of 2014 from the court of Principal Judge , Family Court, Kaimur at Bhabhua to the Principal Judge , Family Court , Patna forthwith.

6.It is clarified that after receipt of the record at Patna court , the petitioner shall render full co-operation for early disposal of the case .

(Rakesh Kumar, J)

Praful/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30-03-2017
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