

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No. 1712 of 2014

IN

Matrimonial Suit No. 102 of 2013

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Smt. Raj Rani Verma Wife of Ganesh Prasad Sinha, Daughter of Late Tapeswar Nath Verma Resident of Mohalla - Rajendra Nagar, Madhubani, P.S. - Khajanchi Haat, Distt. - Purnea, At present residing at Station Road, Mali - Tola, P.S. - Town, Distt. - Begusarai.

.... Petitioner

Versus

Ganesh Prasad Sinha Son of Late Shivachandra Prasad Resident of Mohalla - Rajendra Nagar, Madhubani, P.S. - Khajanchi Haat, Distt. - Purnea.

.... Opp. Party

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Appearance :

For the Petitioner : Mr. S. K. Lal, Adv.
Mr. Pritish Kumar Lal, Adv.

For the Opp. Party : Mr. N.K.Agrawal, Sr.Adv.
Mr. Bidhu Ranjan, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 02-02-2017

Heard Sri S.K. Lal, learned counsel assisted by Sri Pritish Kumar Lal, learned counsel for the petitioner and Sri N.K. Agrawal, learned senior counsel assisted by Sri Bidhu Ranjan, learned counsel for the opposite party.

2. The petitioner, wife of opposite party, has approached this Court under Section 24 of the Code of Civil Procedure, 1908, with a prayer to direct for transferring the Matrimonial Suit No. 102 of 2013 from the court of Principal Judge, Family Court, Purnea to the court of competent jurisdiction at Begusarai.

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



opposite party was solemnized in the year 2003 at Begusarai and from the wedlock, the petitioner was blessed with a male child in the year 2004. Thereafter, some trivial issues were raised and finally, the petitioner, due to non-fulfillment of demand, was ousted on 20-05-2013. Thereafter, the petitioner filed a complaint case, vide Complaint Case No. 1465-C of 2013, against opposite party and her other in-laws' members. Subsequently, the petitioner also filed a case for directing the opposite party for maintaining her, vide Maintenance Case No. 74 of 2013 in the court of Principal Judge, Family Court, Begusarai.

4. It has been argued that at the time of filing of the present petition, the Maintenance Case No. 74 of 2013 was fixed for *ex-parte* hearing against opposite party, but now, on instruction, he submits that maintenance amount has already been fixed, but still same is not being paid by the opposite party. In sum and substance, it has been argued that for petitioner, being lady having a minor child, it would be difficult to regularly attend the court proceeding at Purnia from Begusarai. The petitioner is residing at Begusarai with her widow mother.

5. Sri Agrawal, learned senior counsel for the opposite party has vehemently opposed the prayer for transfer. It has been argued that right from the very beginning, the petitioner was not interested to live with her husband and as such, in the year 2006 itself, the opposite party had filed a case under Section 9 of the Hindu



Marriage Act, 1955, which was decided *ex-parte*. However, he has not disputed the fact that petitioner has filed a complaint case in the year 2013 and besides complaint case, a matrimonial case was also filed by the petitioner in the year 2013 for maintenance and both the cases are pending at Begusarai. Sri Agrawal, learned senior counsel for opposite party has also suggested that the case record may be transferred to any court in between Begusarai and Purnia. He submits that husband also apprehends that if he attends proceeding at Begusarai, he may be further implicated by the petitioner.

6. Besides hearing learned counsel for the parties, I have also perused the materials on record. Fact remains that the complaint case, which was filed by the petitioner against the opposite party, is pending in a court at Begusarai. Besides this, a maintenance case was also filed, in which, as submitted, maintenance amount has been directed to be paid, this fact has not been disputed by learned senior counsel for the opposite party.

7. Keeping in view the fact that petitioner is a lady and having a minor child, the Court appreciates her difficulty to regularly participate in a proceeding at Purnia from Begusarai. Accordingly, for the ends of justice, the Court is of the opinion that continuing proceeding in Purnia would certainly put many difficulties for the petitioner.

8. Accordingly, the petition is allowed.



9. Let the record of Matrimonial Suit No. 102 of 2013 be transferred from the court of Principal Judge, Family Court, Purnia to the court of Principal Judge, Family Court, Begusarai forthwith.

10. It goes without saying that the petitioner will render full cooperation to the court after the case record is transferred to Begusarai so that the case may come to its logical end without unnecessary delay.

11. It was requested by Sri Agrawal, learned senior counsel for the opposite party that after the record is transferred from Purnia to Begusarai, this Court may observe that in all the three cases i.e. Complaint Case No. 1465C of 2013, Maintenance Case No. 74 of 2013 as well as present case i.e. Matrimonial Suit No. 102 of 2013, simultaneously date may be fixed. This submission was not objected by Sri Lal, learned counsel for the petitioner.

12. Accordingly, it is observed that if any petition is filed before the court below for such purpose, the court may consider to fix all the three cases on one date.

(Rakesh Kumar, J.)

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