

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.144 of 2015

In
MAT. SUIT 161 of 2013

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Anamika Kumari wife of Santosh Kumar Gupta Resident of Village Daroga Tola, Janpul, Police Station Banjariya Motihari, District East Champaran.

Present Address Anamika Kumari, D/o Rama Shankar Prasad, Resident of Village Sonar, Police Station Riga, District Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar, through Secretary Law Department, Bihar, Patna.
2. Santosh Kumar Gupta son of Bhuwali Prasad Gupta Resident of Village Daroga Tola, Janpur, Police Station Banjariya Motihari, District East Champaran.
3. Rakesh Kumar @ Pappu s/o Laxmi Prasad, village Sonar, P.O. Sitamarhi, P.S. Riga, District East Champaran (Motihari)

.... opposite party /s

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Appearance :

For the Petitioner/s : Mrs. Madhubala Verma

For the opposite party /s : Mr. Abhishek Kumar

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5 13-02-2017 Heard Smt. Madhubala Verma, learned counsel for the petitioner, learned AC to SC No. 13 as well as Sri Abhishek Kumar, learned counsel who has appeared as per instruction of Sri Umesh Chandra Verma, learned counsel for the opposite party no. 2 / husband of the petitioner.

The petitioner has approached this court under Section 24 of the Code of Civil Procedure with a prayer to transfer Matrimonial (Divorce) Case No. 161 of 2013 from the court of Principal Judge , Family Court, Motihari to the court of Principal



Judge, Family Court, Sitamarhi.

Short fact of the case is that marriage of the petitioner with opposite party no. 2 was solemnized on 26.4.2012 at Sitamarhi. Thereafter, she started living at her in-laws house. Subsequently, on 5.6.2012 she was dropped by her husband at her parents house and thereafter demand of dowry was made. Anyhow again on 14.10.2012 after Bidagari she returned back to her in-laws house and started to live but finally she was physically and mentally tortured and ousted on 28.7.2013. Thereafter, she returned back to her parents house at Sitamarhi and filed a complaint case in the court of learned Chief Judicial Magistrate, Sitamarhi which was registered as Complaint Case No. 1396 of 2013 in which case besides her husband she had arrayed other family members of her husband as accused. The said complaint was subsequently referred to the police under section 156(3) of the Cr.P.C. and thereafter an F.I.R. vide Reva P.S. Case No. 177 of 2013 was registered for offence under section 498(A), 323, 342, 406, 504 of the Indian Penal Code. It has been pleaded that after the petitioner being ousted started living at her parents house, she received notice in Matrimonial (Divorce) Case No. 161 of 2013 and thereafter she came to know that divorce case was even filed while she was residing with her husband at Motihari. It has



been argued by learned counsel for the petitioner that the petitioner is a lady and for her it is not easy to regularly attend a proceeding at Motihari from Sitamarhi. Besides this it has been argued that her husband and other accused persons had already appeared in a police case. Accordingly a prayer is being made for transferring the record from Motihari to Sitamarhi

Learned counsel appearing on behalf of the opposite party no. 2 has vehemently opposed the prayer for transfer. He suggests that instead of transferring the case from Motihari to Sitamarhi it may be transferred to a central place i.e. Muzaffarpur. However he does not dispute the fact that the husband and other accused had already appeared in a criminal case before the court at Sitamarhi.

Besides hearing learned counsel for the parties I have perused the material available on record. Keeping in view the fact that petitioner is a lady the court feels that it would not be very easy for her to regularly attend the proceeding as submitted by learned counsel for the petitioner and as such for the ends of justice it would be appropriate for directing for transferring the record. Accordingly the petition stands allowed.

Let the record of Matrimonial (Divorce) Case No. 161 of 2013 be transferred from the court of Principal Judge, Family



Court, Motihari to the court of Principal Judge, Family Court, Sitamarhi forthwith. It is further directed that petitioner shall render full co-operation after receipt of the record at Sitamarhi so that Matrimonial (Divorce) Case No. 161 of 2013 may finally be adjudicated without unnecessary delay.

The petition stands allowed.

(Rakesh Kumar, J)

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