

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3719 of 2014

In
Matrimonial Reference No. 47 of 2013

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Anita Kumari Wife of Ravi Kumar Gupta, Daughter of Sri Amarnath Gupta Resident of Mohalla - Imli Chatti Near Govt. Bus Stand, Muzaffarpur, P.S. - Brahmpura, District - Muzaffarpur

.... Petitioner/s

Versus

Ravi Kumar Gupta Son of Late Azgaibinath Gupta Resident of Mohalla - Saraiyaganj, near Tower Chouk, Muzaffarpur, Post - Muzaffarpur, P.S. - Muzaffarpur Town, District - Muzaffarpur, at present residing in Mohalla - Miscot in rented house, Motihari, Post - Motihari, P.S. - Motihari, Town District - East Champaran at Motihari

.... opposite party /s

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Appearance :

For the Petitioner/s : Mr. Chandra Mauli Chaurasia

For the Respondent/s : Mr. Rajesh Kumar

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

3 02-02-2017 Heard Sri Chandra Mauli Chaurasia , learned counsel for the petitioner and Sri Rajesh Kumar, learned counsel who has appeared on behalf of the opposite party / husband of the petitioner.

The petitioner has approached this Court by filing the present petition under Section 24 of the Code of Civil Procedure with a prayer to transfer Divorce Case No. 47 of 2013 from the Court of Principal Judge , Family Court , East Champaran ,



Motihari to the court of Principal Judge, Family Court , Muzaffarpur.

It has been pleaded that petitioner's marriage with the opposite party was solemnized on 30.4.2011 at Muzaffarpur. After the marriage they started to live happy conjugal life and from the their wedlock she was blessed with a male child. However subsequently the petitioner was tortured physically and mentally for demand of dowry and finally in the month of January, 2012 she was ousted from the house of the opposite party along with the child. Thereafter she started to live at Muzaffarpur along with her own parents. Besides this the petitioner had filed a criminal case against the husband which has been registered as Muzaffarpur Town P.S. Case No. 476 of 2013 for the offence under Section 341/ 323/ 498(A)/ 504 of the Indian Penal Code read with Section 3 / 4 of the Dowry Prohibition Act. The petitioner has also filed a case for maintenance which has been numbered as Maintenance Case No. 118 of 2014 in the court of Principal Judge, Family Court, Muzaffarpur . Learned counsel for the petitioner submits that in the maintenance case the husband / opposite party has already appeared. According to learned counsel for the petitioner it would be difficult for the petitioner to regularly attend the court proceeding at Motihari from



Muzaffarpur. Accordingly a prayer has been made for transferring the case record.

Sri Rajesh Kumar, learned counsel appearing on behalf of the husband / opposite party opposing the prayer for transfer suggests that the case may be transferred to any third Court from Motihari as well as Muzaffarpur. It was submitted that the opposite party apprehends that if he starts in participating in the proceeding at Muzaffarpur there is danger to his life .

Besides hearing learned counsel for the parties I have perused the materials available on record. It has not been disputed that petitioner's marriage was solemnized with the opposite party within the territorial jurisdiction of the court at Muzaffarpur. The petitioner was blessed with a son. The son is minor and petitioner is residing with her minor child along with her parents at Muzaffarpur. The court appreciates the difficulty of the petitioner in participating in the proceeding at Motihari from Muzaffarpur . Accordingly for the ends of justice it is required to interfere with the matter. Accordingly the petition stands allowed.

Let the case record of Divorce Case No. 47 of 2013 be transferred from the court of Principal Judge, Family Court, East Champaran, Motihari to the court of Principal Judge, Family



Court, Muzaffarpur forthwith.

It is directed that petitioner shall render full co-operation to the Court below after receipt of the record for its early disposal.

(Rakesh Kumar, J)

Praful/-

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