

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No. 1545 of 2015

IN
Matrimonial Reference No. 147 of 2015

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Kumari Jayati w/o Kumar Ashutosh and daughter of Shri Jai Prakash Singh,
presently residing at House No. 329, Basera, D.N. Road, Mohalla- Madhopur, P.S.-
Town Thana, Munger in the town and district of Munger.

.... Petitioner

Versus

Kumar Ashutosh, s/o Shri Arvind Kumar Singh, a resident of Village - Nakta, P.O.
- Nakta, P.S.- Motipur, District-- Muzaffarpur.

.... Opp.Party

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Appearance :

For the Petitioner/s : Mr. Rajni Kant Jha

For the Opp. Party/s : Mr. Rama Kant Singh

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 28-03-2017

Heard Sri Rajni Kant Jha, learned counsel for the
petitioner and Sri Rama Kant Singh, learned counsel appearing on
behalf of opposite party/husband of the petitioner.

2. The petitioner has filed the present petition under
Section 24 of the Code of Civil Procedure, 1908, with a prayer to
direct for transferring the record of Matrimonial (Divorce) Case No.
147 of 2015 from the court of Principal Judge, Family Court,
Muzaffarpur to the court of Principal Judge, Family Court, Munger.

3. Learned counsel for the petitioner, by way of
referring to the plaint filed before the court below by opposite party
i.e. Matrimonial (Divorce) Case No. 147 of 2015, has submitted that
in paragraph – 2 of the plaint itself, the opposite party has accepted



that marriage of the petitioner with opposite party was solemnized on 26-05-2013 in the district of Munger. He further submits that in clandestine manner, the opposite party had filed the divorce case while petitioner was already residing in her matrimonial house. After filing of the divorce case, subsequently the petitioner was ousted from her-in-laws' house and thereafter, she is residing with her parents in the district of Munger. According to learned counsel for the petitioner, being lady, it would be difficult for her to regularly attend the proceeding at Muzaffarpur from Munger.

4. In this case, a show cause has been filed on behalf of the opposite party.

5. Sri Rama Kant Singh, learned counsel for opposite party has vehemently opposed the prayer for transfer. He submits that the petitioner herself was not ready to live with the husband and there were many reasons for filing divorce case. However, he has not disputed the fact that the marriage was solemnized within the territorial jurisdiction of the Munger court and he has also not disputed that petitioner is residing with her old parents at Munger.

6. Considering the fact that marriage was solemnized within the district of Munger as well as the fact that petitioner is a lady, the Court is of the view that it would be just and proper to direct for transferring the record of Matrimonial (Divorce) Case No. 147 of



2015 from Muzaffarpur to Munger so that she may conveniently participate in the proceeding.

7. Accordingly, the present petition is allowed with a direction to transfer the Matrimonial (Divorce) Case No. 147 of 2015 from the court of Principal Judge, Family Court, Muzaffarpur to the court of Principal Judge, Family Court, Munger forthwith.

8. It is clarified that after receipt of the record at Munger court, the petitioner shall render full cooperation for early disposal of the case.

(Rakesh Kumar, J.)

Anay

AFR/NAFR	NAFR
CAV DATE	N/A
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