

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2433 of 2015

IN

Matrimonial Reference No. 157 of 2015

=====

Chandani Kumari @ Switee wife of Narendra Kumar and daughter of Shri Lalbabu Prasad resident of Mohalla Thakurbari near Dhanki Dhaja, P.S.- Motihari Town District- East Champaran.

.... Petitioner/s

Versus

Nagendra Kumar Son of Shri Uday Narain Prasad, Resident of Village- Utari Anandpuri, Boring Canal Road, P.S.- Shri Krishna Road at present Q.No. 41 B Roshan Garden, Nazaf Garh, New Delhi.

.... Opp. Party /s

=====

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Verma

For the Opp. Party /s : Mr. Shankar Kumar

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 21-03-2017

1. Heard Sri Sunil Kumar Verma, learned counsel for the petitioner and Sri Shankar Kumar, learned counsel , who has appeared on behalf of the opposite party/ husband of the petitioner.

2. The petitioner , has approached this Court under Section 24 of the Code of Civil Procedure 1908 with a prayer to direct for transferring Matrimonial Case No. 157 of 2015 which was filed by her husband under Section 13 of the Hindu Marriage Act 1955 for dissolution of marriage. A prayer has been made for transferring the case from the court of Principal Judge, Family court, Patna to the court of Principal Judge, Family Court, East Champaran , Motihari.

3. Short fact of the case is that petitioner's marriage with opposite party was solemnized on 26.1.2012 . After marriage it has



been alleged by the petitioner that she was mentally and physically tortured and thereafter she was ousted. After being ousted from her in-laws house the petitioner is presently residing with her old parents at Motihari. By way of filing supplementary affidavit it has been indicated that though petitioner was tortured physically and mentally, petitioner has not initiated any proceedings against her husband. Sri Verma, learned counsel for the petitioner submits that the reason for non-filing of case was an expectation of settlement of dispute but, in the meanwhile, the husband has filed the divorce case. According to learned counsel for the petitioner since on the date of filing of the divorce case petitioner was already residing with her parents at Motihari, in accordance with law, divorce case was required to be filed at Motihari not at Patna. He further submits that being lady it would be difficult for the petitioner to regularly attend the proceedings from Motihari to Patna and as such, a prayer has been made for transferring the record.

4. Sri Shankar Kumar, learned counsel appearing on behalf of the husband /opposite party has opposed the prayer. He submits that in the counter affidavit the husband has reiterated the stand which was taken in the divorce case. According to learned counsel for the opposite party since marriage was solemnized at Patna, the divorce case was rightly filed in Patna.



5. Besides hearing learned counsel for the parties I have perused the materials available on record. It has not been disputed that after being ousted from her in-laws house the petitioner is residing with her old parents at Motihari. It has also not been disputed that on the date of filing of the divorce case petitioner was residing at Motihari.

6. In view of the fact that petitioner is a lady, in normal course it would be much difficult for her to regularly attend the proceedings at Patna from Motihari and as such, for the ends of justice it is desirable to direct for transferring the record of the case from Patna to Motihari. The present petition stands allowed.

7. Let the record of Matrimonial Case No. 157 of 2015 be transferred from the court of Principal Judge, Family Court Patna to the Principal Judge, Family Court, East Champaran, Motihari forthwith.

8. It is clarified that after receipt of the record at Motihari the petitioner shall render full co-operation to the court below for early disposal of the case.

(Rakesh Kumar, J)

Praful/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24-03-2017
Transmission Date	24-03-2017

