

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1059 of 2014

In

Matrimonial Reference No. 50 of 2013

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Smt. Amita Bharti W/O Sri Prabhat Ranjan, D/O Sri Rash Bihari Yadav
Permanent Address Village- Sankarpur, P.S- Muffasil, District- Munger At
Present Residing At House Of Rajiv Kr. Sinha, Shanti Sadan, Shanti Marg,
Mithapur, Patna- 1

.... Petitioner

Versus

Sri Prabhat Ranjan S/O Sri Kailash Prasad Yadav R/O Village- Paprava,
P.S- Kataria, District- Banka.

.... Opp.Party

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Appearance :

For the Petitioner/s : Mr. Satyeshwar Prasad, Adv.

For the Respondent/s : Mr. Ajay Mukherjee, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

7 28-02-2017 Heard Sri Satyeshwar Prasad, learned counsel for

the petitioner and Sri Ajay Mukherjee, learned counsel for

Opp.Party.

The petitioner, wife of Opp.Party, has approached
this Court under Section 24 of the Code of Civil Procedure, with a
prayer to transfer Matrimonial (Divorce) Case No.50/2013 from
the court of Principal Judge, Family Court, Banka to the court of
Principal Judge, Family Court, Patna.

Short fact of the case is that the petitioner's
marriage with Opp.Party was solemnized in the year 2005.
Thereafter, both parties led their life happily and from the
wedlock, the petitioner was blessed with a son in the year 2007.



However, subsequently, the petitioner was ill-treated and finally she was ousted from her in-laws house. Orally, it was submitted by learned counsel for the petitioner that the husband has kept the son of the petitioner with him. Since the petitioner is Intermediate, she is preparing for certain examination for her livelihood and for that very purpose, she is residing at Patna. A plea has been taken that being a lady, it is difficult for the petitioner to regularly attend the aforesaid proceeding at Banka from Patna and, as such, a prayer has been made for directing for transferring the record of Matrimonial (Divorce) Case No.50/2013. Learned counsel for the petitioner further submits that the petitioner is still ready to live as wife with her husband/Opp.Party.

However, on instruction, Sri Ajay Mukherjee, learned counsel for Opp.Party submits that if the matter is transferred to Patna, there is no possibility for settlement of dispute. He submits that any settlement can only be made at the place, where the suit is pending. He further submits that one of the main grounds for divorce is allegation of adultery against the petitioner.

Besides hearing learned counsel for the parties, I have also perused the material available on record. The marriage in between the petitioner and Opp.Party is not in dispute. It is also



fact that the petitioner was blessed with a son from the wedlock of the petitioner and Opp.Party. At the bar, it was submitted that son of the petitioner is residing with Opp.Party. The submission made by learned counsel for the petitioner that she is preparing for certain examination for employment and staying at Patna appears to be a reasonable ground for passing an order for transferring the record. Beside this, being a lady it would be difficult for the petitioner to regularly attend the proceeding at Banka from Patna

In view of facts, for just decision in the matter, the petition is allowed. Let the record of Matrimonial (Divorce) Case No.50/2013 be transferred from the court of learned Principal Judge, Family Court, Banka to the court of Principal Judge, Family Court, Patna forthwith.

(Rakesh Kumar, J)

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