

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.403 of 2014

In
Matrimonial Reference No. 140 of 2011

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Smt. Bibi Musharat Praveen, daughter of Late Firoz Ahmad, wife of Motiur Rahman, resident of village and P.O. Kadampur, Police Station-Kishanpur, District-Supaul, at present address Village-Sakari, P.S. Sakari, District-Madhubani

.... Petitioner

Versus

1. The State of Bihar through S.P.Saharsa

2. Md. Motiur Rahman, son of Late Fazaul Rahman, village and P.O. Kadampur, P.S. Kishanpur, District-Supaul

.... Opp.Party.

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha

For the Respondent/s : Mr. Md. Sufiyan

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4 16-05-2017

Heard Sri Shailendra Kumar Jha, learned counsel

for the petitioner and Mr. Md. Sufiyan, learned counsel, who has appeared on behalf of Opp.Party no.2/husband of the petitioner.

The petitioner had approached this Court by filing the present petition under Section 24 of the Code of Civil Procedure with a prayer to direct for transferring Divorce Case no.140 of 2011 from the court of learned Principal Judge, Family Court, Saharsa to the court of Principal Judge, Family Court, Madhubani.

The present petition was filed on 22.01.2014 and finally on 19.01.2017 when the case was taken up, this Court had directed for issuance of notice to Opp.Party. While directing for issuance of notice, this Court directed that till further order, there



shall be stay of further proceeding in Divorce Case no.140 of 2011 pending in the court of Principal Judge, Family Court, Saharsa/concerned court.

At the time of hearing of present petition, Mr. Md. Sufiyan, learned counsel for Opp.Party no.2 has argued that much prior to issuance of notice by this Court, Matrimonial (Divorce) Suit No.140/2011 was already finally disposed of and the case was decreed in favour of Opp.Party/husband of the petitioner. He has produced certified copy of order dated 13.09.2016 passed by the learned Principal Judge, Family Court, Supaul, which suggests that the order was passed on 13.09.2016 and the case was already decreed. Let certified copy of the order dated 13.09.2016 passed in Matrimonial (Divorce) Suit No.140/2011 be kept on record.

Considering the fact that even before the order of issuance of notice, the suit, which was sought to be transferred, was already disposed of, there is no reason to keep the matter pending.

The present petition stands disposed of.

It goes without saying that if so advised, the petitioner may avail appropriate remedy.

(Rakesh Kumar, J)

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