

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2529 of 2016

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Shivani Kumari W/o Prabhat Ranjan, D/o Shri Jai Narayan Lal, Resident of:
Baheri Bazar, P.O. & P.S. - Baheri, District- Darbhanga

.... Petitioner/s

Versus

1. Prabhat Ranjan, S/o Vijay Shankar Arya, Resident of: 2nd Floor, Lalan Apartment, Road No.-1 near Water Tank, in front of Ice factory, Rajendra Nagar, Patna-800004.
2. Saurab Kumar @ Avinash Kumar, s/o Shiv Kumar Singh, R/v Nimaithi, P.S. Baheri, District Darbhanga

.... opposite party /s

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Appearance :

For the Petitioner/s : Mr. Brajesh Kumar

For the opposite party /s :

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

3 28-02-2017 Heard Sri Brajesh Kumar, learned counsel for the petitioner.

The present petition has been filed under Section 24 read with Section 151 of the Code of Civil Procedure with a prayer to transfer the record of Matrimonial Case No. 1252 of 2015 from the court of Principal Judge, Family Court, Patna to the court of Principal Judge, Family Court, Darbhanga.

It was submitted by learned counsel for the petitioner that petitioner's marriage with opposite party no. 1 was



solemnized in the year 2010. Thereafter, from the wed lock petitioner was blessed with a female child. However the petitioner was administered torture and she was ousted. A plea has been taken that after being ousted the petitioner started to live with her parents at Darbhanga and a complaint case was also filed against her husband and other in- laws members. It has been argued that being lady it would be difficult for the petitioner to regularly participate in the proceeding at Patna. However, on perusal of the material on record it is evident that prior to filing of the divorce case, the husband had also filed a Matrimonial Case No. 5810 of 2014 under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal life. Along with the petition copy of plaint filed in Divorce Case No. 1252 of 2015 has been brought on record. Besides other ground divorce has mainly been sought for on the ground of adultery. In paragraph no. 24 of the petition filed before the court below certain serious accusation has been leveled. In sum and substance it was alleged that even prior to marriage of the petitioner with opposite party no. 1, father of the petitioner had lodged an F.I.R. vide Baheri P.S. Case No. 44 of 2007 against opposite party no. 2 /Saurabh Kumar @ Avinash Kumar and others. On perusal of the petition itself it is evident that marriage of the petitioner with opposite party no. 1 was



solemnized at Patna as well as grounds taken in the divorce case ,
the court is of the opinion that it is not a fit case for passing any
positive order.

The petition stands dismissed.

(Rakesh Kumar, J)

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