

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No. 1576 of 2015

In

Matrimonial Reference No. 360 of 2014

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Savita Devi wife of Sri Rajesh Kumar and Daughter of Suresh Prasad,
resident of village - Chanpatia, Ward No. 9, in front of Police Station, P.O. -
Chanpatia, P.S. - Chanpatia, District - West Champaran.

.... Petitioner

Versus

Rajesh Kumar Son of Sri Ramchandra Prasad, resident of village- Amodei,
P.O. - Amodei, P.S. - Ramgarhwa, District - East Champaran.

.... Opp. Party

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opp. Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 14-02-2017 Heard Sri Umesh Chandra Verma, learned counsel for
the petitioner.

The petitioner, wife of opposite party, has approached
this Court under Section 24 of the Code of Civil Procedure, 1908,
with a prayer to direct for transferring Matrimonial Case No. 360
of 2014 filed on behalf of opposite party (husband of the
petitioner) from the court of Principal Judge, Family Court,
Motihari to the court of Principal Judge, Family Court, West
Champaran at Bettiah.

It was submitted by learned counsel for the petitioner
that petitioner alongwith her minor children is residing at her
parental house at Chanpatia (West Champaran) and as such, it



would be difficult for her to participate in the proceeding at Motihari. However, he does not dispute the fact that the said matrimonial case i.e. Matrimonial Case No. 360 of 2014 was filed by the husband for restitution of conjugal right under Section 9 of the Hindu Marriage Act, 1955. He also accepts that after filing of the matrimonial case, from the petitioner's side, a complaint case as well as maintenance case have been filed, but those cases were filed in the year 2015.

Keeping in view the fact that husband, by way of filing the present matrimonial case, had desired to live with his wife, there is no reason to entertain the present petition.

The petition stands dismissed.

(Rakesh Kumar, J.)

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