

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3563 of 2013

In
Matrimonial Reference No. 277 of 2011

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Janak Dulari Devi W/O Nand Kishore Sah , D/O Sri Mahadeo Sah
Resident of Village- Barah Patthar Chowk, Ward No. 15, Samastipur, P.S+
District- Samastipur At Present Resident of Village- Bhauwara, Ward No.
27, P.S- Madhubani, District- Madhubani.

.... Petitioner

Versus

Nand Kishore Sah S/O Late Prabhunath Sah of Village Barah Patthar
Chowk, Ward No. 15, Samastipur, P.S+ District- Samastipur.

.... Opp.Party

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Appearance :

For the Petitioner/s : Mr. Subodh Kumar Jha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

9 23-02-2017 Heard Sri Subodh Kumar Jha, learned counsel for
the petitioner.

The present petition was filed under Section 24 of
the Code of Civil Procedure by the wife of Opp.Party with a
prayer to transfer the Divorce Case no.277/2011 from the court of
Principal Judge, Family Court, Samastipur to the court of Principal
Judge, Family Court, Madhubani.

In this case, by order dated 11.09.2013, while
directing for issuance of notice to Opp.Party no.2, a Bench of this
Court had directed that till appearance of Opp.Party, further
proceedings in the court below in connection with Divorce Case
No.277 of 2011 shall remain stayed. Despite valid service of



notice, Opp.Party did not appear and, as such, by order dated 30.01.2017, this Court directed for summoning the record of the court below for perusal of the same, which has been received.

On perusal of the ordersheet of the court below in Divorce Case No.277 of 2011/239/14, it is evident that Divorce Case stood dismissed on 06.10.2015. It appears that after the stay order was passed by this Court, Opp.Party/husband due to the reasons best known to him had left doing Pairvi in the court below.

In view of the fact that the suit, which was sought to be transferred from Samastipur to Madhubani, has already been dismissed, there is no reason to pass any positive order in the present petition.

Accordingly, the petition stands disposed of.

If at subsequent stage, any restoration petition is filed by the husband before the learned court below, the learned court below may keep in mind the conduct of the applicant.

(Rakesh Kumar, J)

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