

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.4213 of 2013

In

Matrimonial Reference No. 96 of 2012

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Anamika Sinha Wife Of Pankaj Kumar Resident Of Mohalla - Daulatganj,
P.S. - Bhagwan Bazar, District - Saran

.... Petitioner/s

Versus

Pankaj Kumar Son Of Late Suresh Prasad Resident Of Village - Kudhni,
P.S. - Kudhni, District - Muzaffarpur

.... Opposite Party /s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh

For the Opposite Party/s : Mr. Nachiketa Jha

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5 16-01-2017 Heard Sri Sanjay Kumar Singh, learned counsel for the

petitioner and Sri Nachiketa Jha, learned counsel appearing on
behalf of the opposite party, who is husband of the sole petitioner.

The petitioner, has approached this court with a prayer
to direct for transferring the case record of Divorce Case No. 96 of
2012 pending in the court of Principal Judge, Family Court,
Muzaffarpur to the court of Principal Judge, Family Court, Saran
at Chapra.

It was submitted by learned counsel for the petitioner
that petitioner's marriage with opposite party was solemnized with
Hindu rites in the year 2010. After marriage the petitioner was
administered torture. Subsequently, petitioner filed a case for



offence under Section 498(A) of the Indian Penal Code and other Sections of the Indian Penal Code against her husband and other in-laws members. It was submitted by learned counsel for the petitioner that petitioner was ousted by the opposite party and thereafter she is residing with her parents at Saran at Chapra. According to learned counsel for the petitioner being female it is really difficult for her to regularly attend proceeding at Muzaffarpur .

Sri Nachiketa Jha, learned counsel for the opposite party has vehemently opposed the prayer. By way of referring to Annexure –‘3’ to the present petition it was submitted by learned counsel for the opposite party that the opposite party had earlier filed a complaint before the Mahila Help Line in which opposite party has appeared and filed a detailed reply. In paragraph no. 6 it was specifically mentioned that the petitioner voluntarily with her brother had left the house of the opposite party. According to learned counsel for the opposite party the petitioner herself had deserted the opposite party. It is further submitted that the opposite party is a Government servant and for him it would be difficult to regularly attend proceeding at different place. Accordingly, he has made a prayer for rejection of the present petition.

Besides hearing I have perused the materials available



on record. Fact remains that petitioner is the wife of opposite party and being lady in normal course learned counsel for the petitioner is right to submit that she will suffer hardship in attending proceeding regularly at Muzaffarpur whereas she is residing with her old parents at Saran at Chapra. The court is of the opinion that for the ends of justice it is required to direct for transferring the record of Divorce Case No. 96 of 2012 from the court of Principal Judge, Family Court, Muzaffarpur to the court of Principal Judge, Family Court, Saran at Chapra and it is directed to transfer the record forthwith.

The petition is allowed.

(Rakesh Kumar, J)

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