

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2610 of 2014

In

Matrimonial Reference No. 83 of 2013

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Purnima Kumari W/o Sunil Kumar, D/o Late Mundrika Prasad, R/o Mohalla - Kailashpuri, P.S. - Dumra, Distt. - Sitamarhi.

.... Petitioner

Versus

Sunil Kumar son of Binda Charan Srivastava, R/o - Mohalla - Indranagar, Road No.3, Post-Lohiyanagar, P.S. Kankarbagh, District-Patna

.... Respondent

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Appearance :

For the Petitioner/s : Mr. Suresh Chand Giri

For the Respondent/s : Mr. Nalin Vilochan Tiwary

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

7 27-04-2017 Heard Sri Suresh Chandra Giri, learned counsel for the petitioner and Sri Nalin Vilochan Tiwary, learned counsel, who has appeared on behalf of Opp.Party/husband of the petitioner.

The petitioner has approached this Court by filing the present petition under Section 24 of the Code of Civil Procedure with a prayer to direct for transferring Matrimonial Case no.83 of 2013 from the court of learned Principal Judge, Family Court, Patna to the court of learned Principal Judge, Family Court, Sitamarhi

Short fact of the case, as pleaded in the petition, is that the marriage of the petitioner with Opp.Party was solemnized



on 09.03.2008 at the residence of the petitioner i.e. at Sitamarhi. It has been stated that after the marriage, the petitioner enjoyed peaceful conjugal life. However, subsequently, the petitioner was being tortured and finally she was left alone. Thereafter, the petitioner started living at Sitamarhi with her younger brother and sisters. It has been indicated that father of the petitioner died about 15 years back. It has been submitted by learned counsel for the petitioner that even mother of the petitioner, who was a cancer patient, has already died. A specific stand has been taken that due to paucity of fund as well as the reason that the petitioner is a lady, it would be difficult for her to regularly participate in the proceeding at Patna court from Sitamarhi. On the aforesaid ground, a prayer has been made for transferring the record of the case.

Sri Nalin Vilochan Tiwary, learned counsel for Opp.Party/husband of the petitioner has opposed the prayer of the petitioner. It has been argued by Sri Tiwary, learned counsel for Opp.Party that one of the grounds for divorce is that the petitioner has illicit relation with another person and Opp.Party apprehends that if he visits Sitamarhi, he may be assaulted by henchmen of so call petitioner's men. On the aforesaid ground, he has opposed the prayer of the petitioner.



However, considering the fact that the marriage of the petitioner with Opp.Party was solemnized within the territorial jurisdiction of Sitamarhi Court, in normal course the suit was required to be filed at Sitamarhi not at Patna. The Court is of the opinion that being a lady it would be difficult for the petitioner to regularly attend the proceeding at Patna from Sitamarhi.

Accordingly, the petition is allowed.

Let the record of Matrimonial Case no.83 of 2013 be transferred from the court of Principal Judge, Family Court, Patna to the learned Principal Judge, Family Court, Sitamarhi forthwith. It is made clear that after receipt of the record at Sitamarhi, the petitioner shall render full co-operation for early disposal of the case.

(Rakesh Kumar, J)

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