

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No. 3230 of 2014

In

Matrimonial Reference No. 123 of 2013

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Smt. Sudha Kumari @ Sudha Devi, wife of Bikash Kumar Singh and daughter of Sri Vishnu Kumar Singh, resident of Village Kishunpur Baikunth, P.S. – Baris Nagar, District Samastipur and presently residing at Village Ekdanga, P.S. Belchhi, via Barh and District Patna.

.... Petitioner

Versus

Sri Bikash Kumar Singh, son of Sri Lalan Prasad Singh, resident of Village – Kishunpur Baikunth, P.S. Baris Nagar, District Samastipur.

.... Opp. Party

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Appearance :

For the Petitioner/s : Sri J.S. Arora

For the Opp. Party/s : Smt. Anuradha Singh

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

11. 09-02-2017 Heard Sri J.S.Arora, learned counsel for the petitioner and Smt. Kumari Ranjana Bharti, learned counsel who has appeared on instruction of Smt. Anuradha Singh, learned counsel for the opposite party/husband of the petitioner.

The present petition has been filed under Section 24 of the Code of Civil Procedure, 1908 with a prayer to direct for transfer of Divorce Case No. 123 of 2013 from the court of Principal Judge, Family Court, Samastipur to the court of Principal Judge, Family Court, Patna.

It has been pleaded that petitioner's marriage with opposite party was solemnized on 18-04-2012 within the territorial jurisdiction of Patna court. After marriage, the petitioner was



tortured and huge demand was made and due to non-fulfillment, she was finally ousted from her in-laws' house in the month of November, 2012. Thereafter, petitioner came back to her parents' house at Patna. Subsequently, the husband filed a divorce case in the court of Samastipur.

It has been argued that for petitioner, being lady, it would be difficult for her to regularly attend the proceeding at Samastipur from Patna and as such, a prayer has been made for transferring the record from Samastipur to Patna.

Learned counsel appearing on behalf of opposite party has opposed the prayer for transfer. It was submitted by learned counsel for opposite party that the husband is employed at Bangalore.

After hearing the parties, the Court is of the opinion that it is a fit case for transferring the record from the Samastipur court to Patna, particularly; in view of the fact that even the husband, who has filed the divorce case, is presently residing at Bangalore, so in that event also, it would be convenient for him to participate in the proceeding at Patna.

In view of facts and circumstances, the petition is allowed.

Let the record of Divorce Case No. 123 of 2013 be



transferred to the court of Principal Judge, Family Court, Patna within a period of six weeks from the date of receipt/production of a copy of this order.

It goes without saying that after receipt of the record, the petitioner will render full cooperation to the court below for early disposal of the case.

(Rakesh Kumar, J.)

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