

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3646 of 2014

In
Matrimonial Reference No. 9 of 2013

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Sudha Devi, wife of Sri Dharmendra Kumar, daughter of Late Vidyanand Sah, resident of Mohalla- Pachna Road, Naya Bazar, P.S. Lakhisarai, District- Lakhisarai, presently residing at Mohalla- Babuganj, Ward no.7, P.S. Khagaria, District-Khagaria

.... Petitioner

Versus

Dharmendra Kumar, son of Late Hira Lal, resident of Mohalla- Pachna Road, Naya Bazar, P.S. Lakhisarai, District-Lakhisarai

.... Opp.Party.

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh

For the Respondent/s : Mr. Amrendra Kumar

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

9 25-04-2017 Heard Sri Manoj Kumar Singh, learned counsel for the petitioner and Sri Amrendra Kumar, learned counsel, who has appeared on behalf of Opp.Party/husband of the petitioner.

The petitioner has approached this Court under Section 24 of the Code of Civil Procedure with a prayer to direct for transferring Matrimonial (Divorce) Case no.09 of 2013 from the court of Principal Judge, Family Court, Lakhisarai to the court of Principal Judge, Family Court, Khagaria.

Short fact of the case is that the petitioner was married with Opp.Party on 12.06.2009. It has been indicated that Opp.Party was widower and before marriage the petitioner was made to understand that he was having only one child, but later on



it was come to the knowledge of the petitioner that Opp.Party from his first wife was having four children. Thereafter, the petitioner was started torturing by Opp.Party and subsequently, present divorce case i.e. Matrimonial (Divorce) Case no.09/2013 was filed. The petitioner was, thereafter ousted. Finally, the petitioner filed a case under Section 498A and other Sections of the Indian Penal Code vide Lakhisarai P.S. Case No.355 of 2014 against Opp.Party and others. It has been indicated in the petition that the petitioner after being ousted is residing with her brother and her financial condition is as such that she is not in a position to attend the proceeding at Lakhisarai. On the aforesaid ground, a prayer has been made to transfer the record of the aforesaid case.

Learned counsel for Opp.Party, opposing the prayer of the petitioner, submits that Opp.Party is a heart patient and the doctor has given certificate to this extent and as per doctor's advice, it would be difficult for the Opp.Party to go out of district. It has further been argued that besides one criminal case, the mother of the petitioner has also filed an F.I.R. vide Lakhisarai P.S. Case No.360/2014.

Be that as it may, considering the fact that the petitioner is a lady and as stated in the petition she is living with her brother at Khagaria, for the ends of justice, it is desirable to



direct for transferring the record of Matrimonial (Divorce) Case no.09/2013 from the court of Principal Judge, Family Court, Lakhisarai to the court of Principal Judge, Family Court, Khagaria. Accordingly, the petition is allowed.

Let the record of Matrimonail (Divorce) Case no.09 of 2013 be transferred from the court of Principal Judge, Family Court, Lakhisarai to the court of Principal Judge, Family Court, Khagaria forthwith.

It goes without saying that after receipt of the record at Khagaria, the petitioner shall render full co-operation for early disposal of the suit.

(Rakesh Kumar, J)

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