

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Miscellaneous Jurisdiction Case No. 3927 of 2014**

**IN**  
**Mat. Suit No. 231 of 2014**

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Shweta Kumari Jha, wife of Anand Kumar Jha, son of Lambodar Jha, R/o Baliya, P.S. Benipatti, Distt. – Madhubani. At present – daughter of Vinod Kumar Jha, resident of Sheo-Parwati Kunj, New Mithila Colony, Near Sant. Dominic School, Biscuit Factory More, Nasariganj, P.S. Danapur, Distt. Patna.

.... .... Petitioner

Versus

Anand Kumar Jha, son of Lamodar Jha, resident of Baliya, P.S. Benipatti, District Madhubani, at present Amrit Dham, near Jogidham, Gauripara, P.S. Kalyan (West) District Thane Maharashtra.

.... .... Opp. Party

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**Appearance :**

For the Petitioner/s : Mr. Ghanshyam Tiwary  
For the Opp. Party/s : Mr. Gopal Jha  
Mr. Shreepat Jha  
Mr. R.K.Verma

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**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**  
**ORAL JUDGMENT**  
**Date: 20-03-2017**

Heard Sri Ghanshyam Tiwari, learned counsel for the petitioner and Sri Gopal Jha, learned counsel, who has appeared on behalf of opposite party/husband of the petitioner.

2. The present petition has been filed under Section 24 of the Code of Civil Procedure, 1908, with a prayer to direct for transferring the record of Matrimonial Case No. 231 of 2014 from the court of Principal Judge, Family Court, Madhubani to the court of Principal Judge, Family Court, Patna.

3. It was submitted by learned counsel for the petitioner that petitioner's marriage with opposite party was solemnized on 28-07-2010. After marriage, for some time, the petitioner enjoyed



peaceful married life, but due to non-fulfillment of demand of dowry, her husband and her in-law members started torturing the petitioner. Earlier, the petitioner was dropped by her husband to her parent's house situated at Danapur. Despite best effort, the husband of the petitioner had not taken any care to keep the petitioner as wife and instead the opposite party/husband filed a matrimonial case under Section 13 of the Hindu Marriage Act, 1955 for dissolution of marriage on frivolous allegations.

4. It was submitted by learned counsel for the petitioner that being lady and since she is residing at Patna with her old parents, it would be difficult for her to regularly attend the proceeding at Madhubani court from Patna.

5. In this case, by order dated 04-02-2017, while directing for issuance of notice to opposite party, this Court had directed to stay further proceeding in Matrimonial Case No. 231 of 2014 pending in the court of Principal Judge, Family Court, Madhubani.

6. Sri Gopal Jha, learned counsel for the opposite party though orally has opposed the prayer for transfer of the case, but no counter affidavit has been filed on behalf of opposite party/husband.

7. Besides hearing learned counsel for the parties, I have also perused the materials available on record. Fact remains that



petitioner is presently residing with her old parents, as stated in the petition within the jurisdiction of Patna court and as such, being lady, it would be difficult for her to regularly attend the proceeding at Madhubani. Accordingly, for the ends of justice, it is desirable to direct for transferring the record from Madhubani to Patna.

8. Accordingly, the present petition is allowed, with a direction to transfer the record of Matrimonial case no. 231 of 2014 from the court of Principal Judge, Family Court, Madhubani to Patna forthwith. It is clarified that after receipt of record from Madhubani to Patna, the petitioner shall render full cooperation to the court below for early disposal of the case.

**(Rakesh Kumar, J.)**

Anay

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