

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3846 of 2016

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Doli Kumari wife of Rajeev Ranjan, daughter of Sri Shailendra Prasad Singh, resident of village- Mahamdpur, Police Station- Hisua in the district of Nawada, presently resident of village- Lakhanpatti, Police Station Khodawandpur in the District of Begusarai. Petitioner

Versus

Rajeev Ranjan, Son of Sri Awadh Kishore Singh, resident of village- Mahamadpur, Police Station- Hisua in the district of Nawada.

.... Opp.Party.

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Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma

For the Respondent/s : Mr. Surendra Kishore Thakur

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5 18-05-2017 Heard Smt. Anita Kumari Singh, learned counsel

for the petitioner and Sri Surendra Kishore Thakur, 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.126/2013, filed under Section 13 of the Hindu Marriage
Act for dissolution of marriage by the husband of the petitioner,
from the court of Principal Judge, Family Court, Nawadah to the
court of Principal Judge, Family Court, Begusarai.

It was submitted by learned counsel for the
petitioner that marriage of the petitioner with Opp.Party was
solemnized on 01.03.2012 in village-Lakhanpatti, district



Begusarai. After the marriage, for some time the petitioner led peaceful conjugal life, but subsequently the petitioner was tortured and she was ousted from her in-laws house. However, after persuasion by father of the petitioner, the petitioner again came back to her in-laws house at Nawada and she lived with her husband for sometime. Again she was ousted and from 18.01.2013 she is residing at Begusarai with her old parents. Subsequently, the petitioner noticed that her husband had filed a Divorce case in the year 2013. It was submitted by learned counsel for the petitioner that since the marriage of the petitioner with Opp. Party was solemnized within the jurisdiction of Begusarai court as well as the fact that on the date of filing of the suit, the petitioner was residing at Begusarai, in normal course, in view of Section 19 of the Hindu Marriage Act, such petition was required to be filed in the court at Begusarai, not at Nawada. Besides this, it has been argued that the petitioner is a lady and being a lady it would be difficult for her to regularly attend the proceeding in Nawada court from Begusarai. On the aforesaid ground, a prayer has been made for transferring the record.

Sri Surendra Kishore Thakur, learned counsel for Opp. Party has vehemently opposed the prayer of the petitioner. He tried to persuade the Court that the petitioner herself had left her



husband and, as such, the petition may be dismissed.

Besides hearing learned counsel for the parties, I have also perused the materials available on record. Fact remains that the marriage of the petitioner with Opp.Party was solemnized within the jurisdiction of Begusarai and on the date of filing of the suit, the petitioner was residing at Begusarai. Besides this, the petitioner is a lady. The Court appreciates that being a lady, it would be difficult for the petitioner to regularly attend the proceeding in the court at Nawada from Begusarai and, as such, for the ends of justice it is desirable to direct for transferring the record from Nawada to Begusarai

The petition is allowed.

Let Matrimonial Case no.126/2013 be transferred from Principal Judge, Family court, Nawada to the court of Principal Judge, Family Court, Begusarai forthwith. It is made clear that after receipt of record in Begusarai court, the petitioner shall render full co-operation for early disposal of the case.

(Rakesh Kumar, J)

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