

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No. 3055 of 2015

IN

Matrimonial Reference No. 336 of 2015

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Sweta Singh Wife of Kumar Rishikesh , Daughter of Sachitanand Singh Resident of Mohalla- Nawada-Ara, Behind State Bank of India, Police Station Nawada, District Bhojpur at Present residing at A/32 Nandan Home Apartment , Khajpura Bailey Road, Patna Police Station- Raja Bazar, District Patna.

.... Petitioner

Versus

Kumar Rishikesh Son of Sri Rangbahadur Singh Resident of Mohalla- Nawada,- Ara, Behind State Bank of India, Police Station Nawada, District Bhojpur.

.... Opp. Party

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Appearance :

For the Petitioner/s : Mr. Ganjendra Kumar Singh

For the Opp. Party/s : Mr. Aditya Narain Singh
Mr. Ramakant Singh

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 06-03-2017

Heard Sri Gajendra Kumar Singh, learned counsel for the petitioner and Sri Aditya Narain Singh, learned counsel, who was assisted by Sri Ramakant Singh, learned counsel for opposite party/husband of the petitioner.

2. The petitioner has approached this Court under Section 24 of the Code of Civil Procedure, 1908, with a prayer to direct for transferring Matrimonial Case No. 336 of 2015 from the court of Principal Judge, Family Court, Bhojpur at Ara to the court of Principal Judge, Family Court, Patna.

3. Short fact of the case is that petitioner's marriage with opposite party was solemnised on 04-07-2014 at Patna. After the



marriage, the petitioner went to the house of her in-laws, but since earlier dowry demand was not fulfilled, the petitioner was tortured and finally, she was ousted from her in-laws house and thereafter, she returned back to Patna and presently, she is residing with her old parents at Patna. Subsequently, her husband/opposite party filed the Matrimonial Case No. 336 of 2015 under Section 13 of the Hindu Marriage Act, 1955 for dissolution of the marriage.

4. By way of filing supplementary affidavit, it has been indicated that even in conciliation proceeding in the aforesaid case, the petitioner had appeared with her parent at Ara court, but before the Principal Judge, Ara, her husband refused to keep her as wife and thereafter, conciliation failed. According to learned counsel for the petitioner, since petitioner is lady, it would be difficult for her to regularly attend the proceeding from Patna to Bhojpur at Ara court. Moreover, it has been argued that since marriage was solemnised at Patna and petitioner is residing with her parents at Patna, in view of provision contained in Section 19 of the Hindu Marriage Act, 1955, it is necessary to direct for transferring the record from Ara to Patna.

5. Sri Singh, learned counsel for the husband/opposite party has vehemently opposed the prayer for transfer. He has argued that the petitioner has voluntarily left the house of her husband and this was the reason for filing the divorce case by the opposite party.



6. Besides hearing learned counsel for the parties, I have also perused the materials available on record. On going through the plaint, which was filed before the court below by the husband, it is evident that marriage was solemnised at Patna. This fact has not been disputed that petitioner is residing with her parents at Patna.

7. Considering the facts and circumstances, particularly the fact that petitioner is the wife, the Court appreciates the difficulty being faced by the petitioner in participating the proceeding at Ara court from Patna.

8. In view of facts and circumstances, the petition stands allowed.

9. Let the record of Matrimonial Case No. 336 of 2015 be transferred from the court of Principal Judge, Family Court, Bhojpur at Ara to the court of Principal Judge, Family Court, Patna forthwith.

10. It goes without saying that after receipt of the record at Patna, the petitioner/wife will render full cooperation for early disposal of the case in question.

(Rakesh Kumar, J.)

Anay

AFR/NAFR	NAFR
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