

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3610 of 2013

In
Matrimonial Reference No. 42 of 2010

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Asha Kumari, wife of Sanjay Kumar Sinha and daughter of Sri Shiv Narayan Singh, Resident of Village Kashipur, P.S. + Town + District-Samastipur

.... Petitioner

Versus

Sanjay Kumar Sinha, Son of Shyam Nandan Singh, Resident of Village Khamhar, P.S.- Muffasil, District- Begusarai

.... Opp.Party.

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Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Adv.
Mr. Mritunjay Kumar, Adv.

For the Respondent/s : Mr. Akhileshwar Pd. Singh, Sr. Adv.
Mr. Bimal Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

6 17-01-2017 Heard Sri Patanjali Rishi, learned counsel, assisted by Sri Mritunjay Kumar, learned counsel for the petitioner and Sri Akhileshwar Prasad Singh, learned Senior Counsel, assisted by Sri Bimal Kumar, learned counsel for Opp.Party/husband of the petitioner.

The petitioner, who is wife of Opp.Party, has approached this Court with a prayer to direct for transferring Divorce Case No.42 of 2010(Labelled at some places in the ordersheet as M.T. 42/2010) from the court of learned Principal Judge, Family Court, Begusarai to the court of learned Principal Judge, Family Court, Samastipur.



It was submitted by learned counsel for the petitioner that the marriage of the petitioner with Opp.Party was solemnized in the year 2004 and from the wedlock, the petitioner blessed with a female child. However, some dispute arose and the petitioner was tortured by Opp.Party and her in-laws. Thereafter, the petitioner was constrained to file a criminal case. It has been argued by learned counsel for the petitioner that the petitioner was subsequently ousted and presently she is residing with her old parents at Samastipur. Learned counsel for the petitioner submits that for the petitioner, being a lady with a female child is difficult to attend the proceeding regularly at Begusarai in Divorce Case No.42/2010 and, as such, a prayer is being made for transferring the record of Divorce Case no.42/2010 from Begusarai to Samastipur.

Sri Akhileshwar Prasad Singh, learned Senior Counsel appearing on behalf of Opp.Party has vehemently opposed the prayer of the petitioner. It was submitted that Opp.Party/ husband of the petitioner was being regularly tortured by the petitioner and he has been falsely made accused in criminal case and the petitioner is facing trial in Begusarai Town P.S. Case No. 421 of 2009 corresponding to Sessions Trial no.392/2012 for the offence under Sections 341, 323, 307, 498A and 34 of the



Indian Penal Code. It has also been argued that besides criminal case, the husband is also making payment of huge amount of maintenance to the petitioner and, as such, a prayer is being made to reject the present petition.

However, considering the facts and circumstances, particularly the fact that the petitioner is a lady having a female child, the Court appreciates that it would be difficult for the petitioner to attend the proceeding at Begusarai and, as such, it is required to direct for transferring the record of Divorce Case no.42/2010 from the court of learned Principal Judge, Family Court, Begusarai to the court of learned Principal Judge, Family Court, Samastipur and it is directed that all the formalities must be completed within a period of six weeks from the date of receipt/production of a copy of this order.

The petition stands allowed.

(Rakesh Kumar, J)

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