

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.5415 of 2013

In

Matrimonial Reference No. 309 of 2013

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Rakhi Kumari Daughter Of Vinod Kumar Singh (W/O Raju Kumar Singh)
Present Resident Of Mohalla - New Colony, P.O. & P.S. - Bettiah Town,
District - West Champaran.

.... Petitioner/s

Versus

Raju Kumar Singh Son Of Late Virendra Singh Resident Of Village -
Takia, P.O. - Tedha, Via & P.S. - Madhaura, District - Saran.

.... Opposite Party /s

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Appearance :

For the Petitioner/s : Mr. Amarendra Nath Verma

For the Opposite Party /s : Mr. Kapil Deo Singh

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

8 17-01-2017 Heard Sri Amarendra Nath Verma, learned counsel for the
petitioner and Sri Kapil Deo Singh, learned counsel who has
appeared on behalf of the opposite party/ husband of the
petitioner.

The petitioner has approached this Court with a prayer to
transfer the record of Matrimonial Case No. 309 of 2013 from the
court of Principal Judge, Family Court , Saran to any court of the
West Champaran district.



Learned counsel for the petitioner submits that the petitioner is handicap and in her parent's family there is no other heir and as such it is difficult for the petitioner to leave the place i.e. place of her parents and participate in the matrimonial case. It has also been accepted by learned counsel for the petitioner that petitioner has filed one case for divorce as well as complaint case filed on allegation of commission of offence under Section 498A of the Indian Penal Code. Both cases are pending at Bettiah and as such , a prayer has been made for transferring the case record i.e. Matrimonial Case No. 309 of 2013 from the court of Principal Judge, Family Court, Saran to any court at West Champaran district.

Learned counsel appearing on behalf of the opposite party opposing the prayer submits that the opposite party has filed the Matrimonial Case No. 309 of 2013 for restitution of conjugal life. He submits that since petitioner has also filed a divorce case and as such, no purpose would be served in allowing the transfer petition.

Besides hearing learned counsel for the parties I have perused the materials available on record. Keeping in view the fact that petitioner /wife of the opposite party has sought for transfer of Matrimonial Case No. 309 of 2013 which has primarily been



filed for restitution of conjugal life, it would be difficult to entertain prayer of the petitioner.

The petition stands dismissed.

(Rakesh Kumar, J)

Praful/-

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