

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2034 of 2014

In
Matrimonial Reference No. 230 of 2010

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Ranjeeta Sharma @ Pinki wife of Sri Mukesh Sharma, daughter of Sri Satyendra Prasad Sharma @ Mantu Sharma son of Late Thakur Sharma, resident of Village/Mohalla- Puraniganj, P.S. Puraniganj, District- Munger
.... Petitioner/s

Versus

Mukesh Sharma son of Ramjee Sharma, resident of Mohalla- M.T.N. Ghosh Road, Champa Nagar, P.S.- Nath Nagar, District- Bhagalpur
.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand
For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

12 20-08-2018

It appears on perusal of the office note that the process server met the opposite party but the opposite party refused to receive the notice and to give receipt thereof. Notice was hanged on the southern side of the house of the opposite party in presence of the witnesses. The registered cover sent on the address was also returned which shows an endorsement of the postal peon "refused, returned to sender".

In the aforementioned circumstance, the notice is to be taken as validly served.

In this case earlier the sole opposite party was appearing through his advocate, but the case was dismissed in default due to non-appearance of the learned counsel representing the petitioner. After restoration of the case, on the information



furnished to this Court that the sole opposite party had taken away the brief from the learned advocate, fresh notice was issued to him. The circumstance shows that he is aware of the case and has still refused to receive the notice.

This application has been preferred seeking transfer of the Matrimonial (Divorce) Petition No.230/2010 filed by the opposite party to get a decree of divorce from the court of learned Principal Judge, Family Court, Bhagalpur to the court of learned Principal Judge, Family Court, Munger.

From the narration of the facts appearing from the record it appears that the petitioner was married in the year 2006 with the opposite party and out of the said wedlock there are two children who all are presently residing at Munger where the parents of the petitioner are residing. In paragraph '13' of the application, the petitioner has stated that presently she is living with her father and mother at her Naihar along with her two children and this fact is also evident from the address given in the divorce petition by her husband. About the difficulty in reaching to Bhagalpur the petitioner has shown that how it is difficult to reach Bhagalpur and it would not be possible for her to travel from Munger to Bhagalpur along with her two babies. The aforementioned statements of the petitioner have remained uncontroverted.



This Court, thus, accepts the prayer of the petitioner and direct transfer of the Matrimonial (Divorce) Petition No.230/2010 pending in the court of learned Principal Judge, Family Court, Bhagalpur to the court of learned Principal Judge, Family Court at Munger. Let the records be transferred accordingly within a period of fifteen days from the date of receipt/production of a copy of this order.

The application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Arvind/-

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