

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3172 of 2017

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Neha Kumari Wife of Sandeep Kumar, Daughter of Subhash Singh, Resident of Village- Chetan Tola, Kutaha, Police Station- Barhiya, District- Lakhisarai, at present Resident of Meghray Nagar, Ward No. 2, Vidhayapith Chauk, P.S. Lakhisarai, District- Lakhisarai. Petitioner/s

Versus

Sandeep Kumar Son of Karu Singh, Resident of Village- Daniyar, P.O.- Keryauna, P.S.- Govindpur, District- Nawada. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

8 02-04-2019 Heard learned counsel for the petitioner and the

counsel appearing on behalf of the opposite party.

The present application has been filed for transfer of Matrimonial Case No. 214 of 2017 pending in the court of learned Principal Judge, Family Court, Nawada to learned Principal Judge, Family Court, Lakhisarai.

On the previous occasion, the opposite party has been granted time to file affidavit on the issue raised in the present application.

Learned counsel appearing on behalf of the opposite party submits that his client is reluctant in contesting the present application.

Considering the aforesaid, the Court is constrained to dispose of the present application on the basis of averment in the present application.

The marriage took place between the parties on



16.2.2017 and within a short span of time, she was driven out from the matrimonial house on the alleged non-fulfillment of the demand of dowry.

The petitioner has filed petition for maintenance under section 125 of the Cr.P.C. which is pending in the court of Principal Judge, Family Court, Lakhisarai being Matrimonial Case No. 29 of 2017. A complaint case was also filed by the father of the petitioner being Complaint Case No. 171 C of 2017 for the offence under sections 498(A), 307, 406 and 504/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act which pending in the court of Chief Judicial Magistrate, Lakhisarai.

As a counter blast of the aforesaid filing of the cases i.e. Complaint Case as well as the Matrimonial Case, the husband-opposite party has filed Matrimonial Case in the court of Principal Judge, Family Court, Nawad being Matrimonial Case No. 214 of 2017. The two cases filed on behalf of the petitioner are still pending in the court of Lakhisarai which is the subject matter of the matrimonial case filed by the husband.

The Court on consideration of various aspects of the matter is of the considered view that the court at Lakhisarai is more convenient forum for the petitioner since two cases are



already pending at Lakhisarai, it would be appropriate that Matrimonial Case no. 214 of 2017 may be transferred to the same Family Court where the issue of maintenance under section 125 of the Cr.P.C. is pending.

In view of the discussion hereinabove, the Court finds substance in the contention of the counsel for the petitioner that for the ends of justice, the Matrimonial Case No. 214 of 2017 be transferred from the court of Nawada to the Court of Lakhisarai.

Accordingly, the present application is allowed.

The Principal Judge, Family Court, Nawada is directed to transmit the record of Matrimonial Case No. 214 of 2017 to the Principal Judge, Family Court, Lakhisarai within a period of 15 days from the date of receipt/production of a copy of this order. The transferee court i.e. Principal Judge, Family Court, Lakhisarai is required to decide the Matrimonial Case No. 214 of 2017 at the earliest preferably within a maximum period of six months from the date of receipt of record from the court of Principal Judge, Family Court, Nawada.

With the aforesaid, the present application stands disposed of.

(Anil Kumar Upadhyay, J)

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