

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.157 of 2024

=====

Nandani Kumari Wife of Sundaram Kumar, Daughter of Uttam Goswami,
Resident of Sona Gopalpur, Sammatchak, P.O and P.S.- Sona Gopalpur,
District- Patna.

... .. Petitioner/s

Versus

Sundaram Kumar Son of Vishnudev Goshwami, Resident of Village- Janidih,
P.O- Ghogha, P.S.- Ghogha (Kahalgau), District- Bhagalpur.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Surya Swetabh, Advocate
For the Opposite Party/s : Mr. Sushil Kumar Jha, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 19-06-2024 Heard learned counsel for the petitioner as also the

sole opposite party.

2. The present petition has been preferred for transfer of the Matrimonial Case No. 294 of 2023 (Sundaram Kumar Vs Nandani Kumari) from the Court of Principal Judge, Family court, Bhagalpur to the Court of Principal Judge, Family court at Patna, which case has been filed under Section 13 (1) (a) of the Hindu Marriage Act, 1955 by the opposite party/husband of the petitioner, seeking a decree of divorce with allied reliefs.

3. In this case, the marriage took place on 15.11.2019 but later, the couple could not continue the same and in that background, while the petitioner preferred Complaint Case No. 802 of 2020 before the concerned Court, Patna City, Patna as also Maintenance case No. 451 of 2022 before the Court of



learned Principal Judge, Family Court, Patna, the sole opposite party preferred Matrimonial Case No. 294 of 2023 before the Court of Principal Judge, Family Court, Bhagalpur.

4. Learned counsel for the petitioner submits that she is an unemployed Intermediate pass lady totally dependent upon her parents for all the needs, has threat to her life in Bhagalpur and only to harass her, the same has been filed before the concerned Court.

5. Learned counsel appearing on behalf of the opposite party submits that as he is a resident of the said place, naturally preferred the petition before the Court of learned Principal Judge, Family Court, Bhagalpur. The further submission is that the lady wants him to stay at her parent's home which was not accepted by him and which led to the fallout and subsequent cases. As she chose not to lead the conjugal life, he had no option but to prefer the petition.

6. Having gone through the facts of the case and the submissions of the parties and taking into account the fact that the lady is unemployed, dependent upon her parents, there is already matrimonial case pending before a concerned Court in Patna, it would be appropriate that the case is transferred from the Court of learned Principal Judge, Family Court, Bhagalpur



to the Court of learned Principal Judge, Family Court, Patna.

7. In that background, the petition stands disposed of allowing the prayer of the petitioner inasmuch as the Matrimonial Case No. 294 of 2024 alongwith all the relevant documents be transferred from the Court of learned Principal Judge, Family Court, Bhagalpur to the Court of learned Principal Judge, Family Court, Patna.

8. It has been jointly prayed for by the parties that a date be fixed not only for the transfer of the file but also the first date of hearing so that subsequently they be aware of their presence in the said case.

9. In that background, this Court expects that the Court of learned Principal Judge, Family Court, Bhagalpur shall transfer the file within a period of four weeks from today and once transferred, the Court of learned Principal Judge, Family Court, Patna shall take up the matter on 05.08.2024 whereafter the Court shall be free to fix its own date.

(Rajiv Roy, J)

Adnan/-

U			
---	--	--	--

