

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.201 of 2024

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Rakesh Kumar Verma Son of Madan Prasad Verma Resident of Mohalla-Naya Tola, Mahamaya Asthan, P.S.- Kazi Mohamadpur, District- Muzaffarpur at Present Posted in Sanghvi Movers Ltd., Tathwade, Pune, Maharashtra

... .. Petitioner/s

Versus

Sakshi Sharan Shri Sunil Kumar Sharan Resident of Shakti Nagar, Kanhauli, Ward No.47, P.S.- Mithanpura, District- Muzaffarpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Naresh Chandra Verma, Advocate
		Mr. Natraj Verma, Advocate
For the Opposite Party/s	:	Mr. Mrigendra Kumar, Advocate
		Ms. Kusum Kumari, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

7 01-08-2024 Heard the parties.

2. This is an application for transfer of Divorce Case No. 173 of 2023 pending in the Court of Learned Principal Judge, Family Court, Sitamarhi to the Court of Learned Principal Judge, Family Court, Muzaffarpur.

3. The case in a nutshell is that the petitioner was married to the opposite party/wife and the marriage took place on 12.12.2018. Later, the couple moved to Bangalore and thereafter to Gujarat and the case of the petitioner is that when they shifted to Muzaffarpur, she refused to continue with him and blocked the mobile number. She is also residing at Muzaffarpur with her parents but when she refused to live with the petitioner, he stopped sending money which followed the



present divorce case.

4. The case of the petitioner is that the marriage took place at Muzaffarpur, both reside at Muzaffarpur, the witnesses are of Muzaffarpur, thus, the divorce case is not maintainable at Sitamarhi. Further, he apprehends trouble as some of the maternal grandparents of the lady are in the Court of Sitamarhi.

5. Upon query about the details, the learned counsel for the petitioner is unable to provide a single name. Earlier, considering that the couple may come to an amicable settlement, notice was issued and pursuant thereto, the wife has appeared through her lawyer.

6. It is the case of the opposite party that the petitioner regularly drinks and in an inebriated state, she is being beaten every night. She submits that being a post graduate, she would rather appear for the competitive examination instead of getting beaten by the husband. In the aforesaid circumstance, she has preferred the divorce case.

7. The reason for choosing Sitamarhi is that her father met with an accident in the year 2019 and thereafter has become mentally ill and to take care of him, they have shifted to Sitamarhi which is their maternal grandparents home.

8. Having heard the parties and the submissions put



forwarded by them, the ground taken by the opposite party to file the Divorce Case No. 173 of 2023 before the learned Principal Judge, Family Court, Sitamarhi is justified. The petitioner himself in the petition has stated and this Court has noticed that he is not supporting the lady by way of any monetary benefit. The father is mentally ill, the lady cannot afford to move from Sitamarhi to Muzaffarpur alone.

9. In that background, when the learned counsel for the opposite party submitted that there is no chance of any amicable settlement, the advice of the Court will be to the petitioner to take the Divorce Case No. 173 of 2023 pending before the Court of learned Principal Judge, Family Court, Sitamarhi to its logical conclusion.

10. The present petition (MJC No. 201 of 2024) stands dismissed.

(Rajiv Roy, J)

Adnan/-

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