

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Miscellaneous Jurisdiction Case No.840 of 2024**

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Sangita Kumari W/o Raushan Kumar Singh, D/o Raj Kumar Singh R/o Lamipur, Ward No. 13, Laxmipur Murli Chandwa, P.S.- Uda-Kishunganj, District- Madhepura.

... .. Petitioner/s

Versus

Raushan Kumar Singh S/o Sri Shilbhadra Singh R/o Tatma Toli, Shankar Chowk, P.S.- K. Hat and District- Purnea.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Dinkar Kumar, Adv.  
For the Opposite Party/s : Mr.Ajit Kumar Singh, Adv.

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL JUDGMENT**

**Date : 31-10-2025**

Heard Mr. Dinkar Kumar, learned Advocate for the petitioner and Mr. Ajit Kumar Singh, learned Advocate for the opposite party.

2. Invoking the jurisdiction of this Court, an application under Section 24 of the Code of Civil Procedure has been preferred seeking transfer of Matrimonial Case No. 89 of 2022 registered under Section 12(1)(e) of the Hindu Marriage Act, 1955, from the court of learned Principal Judge, Family Court, Purnea to the court of learned Principal Judge, Family Court, Madhepura.

3. It is submitted that besides the fact that after marriage, the petitioner was tortured on account of non fulfillment of dowry leading to institution of Complaint Case



No. 565 of 2022 in the court of learned Sub Divisional Judicial Magistrate, Madhepura on 21.10.2022, the petitioner had also filed a maintenance case bearing Maintenance Case No. 84 of 2022 as she is not getting any financial assistance from her husband.

4. On instruction, learned Advocate for the petitioner further submits that the aforesaid Maintenance Case has already been disposed of recently directing the opposite party to pay a maintenance amount; however the same has not been paid yet leading to filing of the execution case, which is also pending before the learned Principal Judge, Family Court, Madhepura. It is further submitted that the petitioner has no source of income and entirely dependent upon her old parents and there is no one in her family to look after; hence she is facing all sort of difficulty to attend the court at Purnea. Reliance has also been placed upon the decision of the Hon'ble Supreme Court in the case of *N.C.V. Aishwarya v. A.S. Saravana Karthik Sha* [AIR 2022 SC 4318] to support the aforesaid contention.

5. On the other hand, learned Advocate for the opposite party refuting the aforesaid contention submitted that the distance between Purnea and Madhepura is approximately 60 kilometres, and in fact the petitioner is not facing any



problem to attend the court but only in order to wreak vengeance and put the opposite party in undue pressure, the present application for transfer has been filed. It is further submitted that so far the maintenance, as has been granted by the Principal Judge, Family Court, Madhepura, is concerned, the same shall be either complied with or if the opposite party intends to challenge, the appropriate application/appeal shall be preferred before the appropriate court.

6. Considered the submissions advanced by the learned Advocates for the respective parties and taken note of the fact that out of three cases pending between the parties, two of them are pending before the jurisdictional court of Madhepura, where the opposite party is attending his appearance, besides the fact that the petitioner is a lady and now she is fully dependent upon her parents and till date as this Court has been informed that the maintenance amount is not being paid.

7. It is also noted that in the case of *N.C.V. Aishwarya* (supra), while the Apex Court hearing in an appeal against the order rejecting the prayer for transfer of the maintenance case filed on behalf of the wife, has set aside the order of the learned High Court by observing that “*the cardinal*



*principle for exercise of power under Section 24 of the Code of Civil Procedure is that the ends of justice should demand the transfer of the suit, appeal or other proceeding. In matrimonial matters, wherever Courts are called upon to consider the plea of transfer, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of both the parties in eking out their livelihood and under whose protective umbrella they are seeking their sustenance to life. Given the prevailing socio-economic paradigm in the Indian society, generally, it is the wife's convenience which must be looked at while considering transfer. Further, when two or more proceedings are pending in different Courts between the same parties which raise common question of fact and law, and when the decisions in the cases are interdependent, it is desirable that they should be tried together by the same Judge so as to avoid multiplicity in trial of the same issues and conflict of decisions.”*

8. Besides the afore noted position, the Apex Court in the case of **Sumita Singh Vs. Kumar Sanjay**, reported in, **(2001) 10 SCC 41** and **Rajani Kishor Pardeshi Vs. Kishor**



**Babulal Pardeshi**, reported in, **(2005) 12 SCC 237**, mandate that more weightage and consideration should be given to the convenience of the female litigants and transfer of legal proceedings from one Court to another Court should ordinarily be allowed in order to avoid undue hardship to them.

9. In view of the aforesaid facts, circumstances and the settled legal position, the Matrimonial Case No. 89 of 2022 be transferred to the court of learned Principal Judge, Family Court, Madhepura from the court of learned Principal Judge, Family Court, Purnea.

10. On receipt of the record, the learned Principal Judge, Family Court, Madhepura shall issue fresh notice to both the parties and proceed further in the matter, in accordance with law.

11. The application stands allowed.

**(Harish Kumar, J)**

Anjani/-

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