

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.668 of 2025

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Alka Kumari wife of- Amit Kumar Nirala, Daughter of Shri Ashok Prasad,
Resident of Village-Uttari Sanghat, P.S.- Phulwarisarif, District- Patna, Bihar.

... .. Petitioner/s

Versus

Amit Kumar Nirala Son of- Shrikant Kumar, Resident of Village- Sherpur,
P.S.- Asthawan, District-Nalanda, Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nityanand Mishra, Advocate
Ms. Diksha Kumari, Advocate
For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 06-02-2026

Heard learned Advocate for the petitioner.

2. There is no representation on behalf of the opposite party. Earlier also when the matter was taken up on 30.08.2025, there was none to represent the opposite party; today also the position is the same.

3. The petitioner by invoking the jurisdiction of this Court, under Section 24 of the Code of Civil Procedure, 1908 has filed the present petition seeking transfer of Matrimonial Case No. 236 of 2024 registered under Section 9 of the Hindu Marriage Act, 1955, from the court of learned Principal Judge, Family Court, Bihar Sharif, Nalanda to the court of learned Principal Judge, Family Court, Patna.

4. Learned Advocate for the petitioner submitted that



the marriage of the petitioner was solemnised with the opposite party on 21.04.2024 as per the Hindi rites and customs. Soon after the marriage, when the petitioner went to her matrimonial home, she was subjected to demand of dowry and on account of non fulfillment of the same, she was tortured in various ways and finally ousted from her matrimonial home, which resulted into lodging of the F.I.R., bearing Phulwarisharif P.S. Case No. 1613 of 2024 on 19.10.2024.

5. It is submitted that the petitioner is duly posted as Junior Engineer in North Bihar Power Distribution Company Limited at Samastipur, whereas the opposite party no.2 works as a Government School Teacher in Higher Secondary School at Darweshwarpur, Maner Block, Patna. The petitioner is residing with her parents at Uttari Sanghat, P.S.- Phulwarisarif, District-Patna and she has to travel for Samastipur in order to discharge her duty. Notwithstanding the aforesaid fact, only in order to put pressure and harass the petitioner, the present application under Section 9 of the Hindi Marriage Act has been filed in the Court of learned Principal Judge, Family Court, Bihar Sharif, Nalanda.

6. Besides the aforesaid fact, learned Advocate for the petitioner by filing a Supplementary Affidavit submits at the Bar that on the last date fixed in the Matrimonial Case No. 236 of



2024, when the father of the petitioner had gone to attend the court proceeding and submitted an application to apprise this Court that for transfer of Matrimonial case, the petitioner is moved before this Court by filing the present case (M.J.C. No. 668 of 2025), he was caught hold and thrashed by the brother of the opposite party and his friends. However, the father of the petitioner any how rescued with the help of the Traffic police. With regard to the aforesaid occurrence a petition had also been filed before the Bihar Sharif police station.

7. Before parting with the case, it would be pertinent to take note of the mandate of 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, where the Apex Court has emphasized and underscored 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.

8. It would also be relevant to refer the decision rendered in the case of *N.C.V. Aishwarya Vs. A.S. Saravana Karthik Sha* [AIR 2022 SC 4318] where the Apex Court has



observed 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.”*

9. Having considered the submissions advanced by the learned Advocate for the petitioner and taking note of the fact that the opposite party has all along been working as a Government Teacher in Higher Secondary School at Darweshwarpur, Maner Block, Patna and one of the case bearing, Phulwarisharif P.S. Case No. 1613 of 2024, is also pending within the jurisdictional court of Patna, this Court finds substance in the submission of the learned Advocate for the



petitioner to get the Matrimonial Case No. 236 of 2024 be transferred to the court of learned Principal Judge, Family Court, Patna from the court of learned Principal Judge, Family Court, Bihar Sharif, Nalanda.

10. In view of the aforesaid facts and the position obtaining in law, this Court is hereby allowed the present application and direct for transfer of Matrimonial Case No. 236 of 2024 from the court of learned Principal Judge Family Court, Bihar Sharif, Nalanda to the court of learned Principal Judge, Family Court, Patna.

11. It is made clear that on receipt of the record, the learned Principal Judge, Family Court, Patna shall issue fresh notice to both the parties and proceed further in the matter, in accordance with law.

12. The application stands allowed.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.02.2026
Transmission Date	NA

