

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3241 of 2024

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Priyanka Kumari W/O Rupesh Kumar, Daughter of Triloki Kumar R/O Mohalla- Behind of the Kowakol Hospital, P.O and P.S- Kawakol, Pin code 805130, District Nawada at present address village- Hisua Dih near Railway Gunti, P.O and P.S- Hisua, District - Nawada,

... .. Petitioner/s

Versus

Rupesh Kumar @ Akshay Kumar, S/O Raj Kumar, R/O Mohalla- Dayanagar Noorsarai, P.S and P.O- Noorsarai, District- Nalanda.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 09-01-2026

Heard learned Advocate for the petitioner. There is none to represent the opposite party, despite valid service of notice upon him.

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 (Divorce) Case No. 128 of 2022 registered under Section 13(i)(a)(b) of the Hindu Marriage Act, 1955, from the court of learned Principal Judge, Family Court, Nalanda to the court of learned Principal Judge, Family Court, Nawada.

3. Learned Advocate for the petitioner submitted that the marriage of the petitioner with the opposite party was solemnised on 01.03.2020 as per the Hindi rites and customs.



Soon after the marriage, she was subjected to demand of dowry and on account of non fulfillment of the same, she was tortured in various ways. Despite best efforts to settle the matrimonial life, the same could not find favour and finally she was ousted from the matrimonial home. In the aforesaid premise, the petitioner lodged Kauwakol P.S. Case No. 415 of 2021 for the offences punishable under Sections 498A/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act, wherein cognizance has been taken for the afore noted offences by the learned Judicial Magistrate 1st Class, Nawada on 14.09.2023 and the case is pending before the SDJM, Nawada. It is further contended that since the petitioner was not getting any financial assistance and help from the opposite party, she was also compelled to file maintenance case against the opposite party under Section 125 of the Cr.P.C. bearing Maintenance Case No. 116 of 2021. The aforesaid case is also pending before the Principal Judge, Family Court, Nawada.

4. Narrating the aforesaid facts, learned Advocate for the petitioner thus contended that besides the fact two other cases are pending before the learned jurisdictional court of Nawada, the petitioner is a hapless woman having no source of income and fully dependent upon her old parents are not in a



position to look after; she is also facing difficulty in attending the court proceeding at Family Court Nalanda. Hence, for the ends of justice, if the divorce case is transferred to the court of learned Principal Judge Family Court, Nawada, she would be able to look after all the matters.

5. Before parting with the case, it would be worth benefiting to take note of the decision rendered in ***N.C.V. Aishwarya v. A.S. Saravana Karthik Sha [AIR 2022 SC 4318]*** where 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.”

6. 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.

7. This Court has considered the submissions advanced by the learned Advocate for the petitioner and also taken note of the mandate of the Apex Court. Admittedly, out of three matters, two of them filed by the petitioner are pending before the jurisdictional court of Nawada, where the opposite party has entered his appearance and the petitioner is a woman



having no source of income and fully dependent upon her parents, this Court finds merit in the present application. Accordingly, the present application stands allowed with a direction to the Principal Judge Family Court, Nalanda to transfer the record of Matrimonial (Divorce) Case No. 128 of 2022 to the court of learned Principal Judge, Family Court Nawada. On receipt of the record, the learned Principal Judge, Family Court, Nawada shall issue fresh notice to both the parties and proceed further in the matter, in accordance with law.

8. The application stands allowed.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	12 .01.2026
Transmission Date	

