IN THE HIGH COURT OF JHARKHAND AT RANCHI
Tr. Petition (Civil) No. 115 of 2025

Rashmi Kumari, aged about 29 yrs., W/o Avinash Kumar Giri and D/o Pramod Kumar Goswami, R/o Bekarbandh, near Kali Mandir, PO and PS and Distt. :- Dhanbad.

… … Petitioner

Versus

Avinash Kumar Giri, aged about 30 yrs., S/o Upendra Kumar Giri, R/o Sharna Toli, Gumla, PO, PS and Distt :- Gumla, Jharkhand (835207).

… … Opp. Party

CORAM : HON'BLE MR. JUSTICE SANJAY PRASAD

For the Petitioner : Mr. Shailesh Kumar, Advocate
Mr. Abhijeet Kumar, Advocate

For the Opp. Party :

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06 **/29.04.2026.** Learned counsel appearing for the petitioner is present. None has appeared on behalf of the Opp. Party even today.

2. Learned counsel for the petitioner seeks permission to correct the spelling of "Principle Judge" as "Principal Judge" in Paragraphs 1, 5 and the prayer portion of the instant Transfer Petition in course of the day.

3. The prayer is allowed and learned counsel for the petitioner is permitted to rectify the spelling of "Principle Judge" as "Principal Judge" in the aforesaid paragraphs.

4. It appears that vide order dated 17.12.2025 passed by the Co-ordinate Bench of this Court [Hon'ble Mr. Justice Pradeep Kumar Srivastava], notice was issued upon the sole Opp. Party (husband) for his appearance in this case.

5. However, the undelivered Speed Cover had returned with the endorsement "Incomplete Address" which was taken note of by this Court vide order dated 18.03.2026 passed by this Court. However, it appears from the S. R. of ordinary

notice that Opp. Party [Avinash Kumar Giri] has received notice personally from the Process Server on 13.01.2026.

6. It appears that Opp. Party is avoiding appearance in this case despite receiving notice on 13.01.2026. However, vide order dated 01.04.2026, this Court has taken notice of the fact that the Opp. Party had received notice but he has not appeared.

7. The present Tr. Petition (Civil) has been filed under Section 24 of the Code of Civil Procedure on behalf of the petitioner for transfer of Original Suit No.76 of 2025 [filed by the Opp. Party- husband] under Section 9 of the Hindu Marriage Act from the Court of Learned Principal Judge, Family Court, Gumla to the Court of Learned Principal Judge, Family Court, Dhanbad.

8. Learned counsel for the petitioner has submitted that the petitioner had filed a Complaint Case against the Opp. Party under Sections 126(2) / 115(2) / 316(2)/ 85 / 351 (2) / 3(5) of BNS and Sections 3 /4 of the D. P. Act before the Court of Chief Judicial Magistrate, Dhanbad, vide Complaint Case No.13121 of 2025.

The petitioner has also filed another case for maintenance against the Opp. Party bearing Original maintenance Case No.658 of 2025 before the Court of learned Principal Judge, Family Court at Dhanbad.

9. Thereafter the Opp. Party (husband) has filed Original Suit No.76 of 2025 before the Family Court, Gumla under Section 9 of the Hindu Marriage Act for restitution of conjugal life vide.

10. It is submitted that petitioner is a lady and it will not be convenient for her to go to Family Court, Gumla from

Dhanbad, as such, Original Suit No.76 of 2025 may be transferred from the Family Court, Gumla to Family Court, Dhanbad.

11. It appears that despite giving several opportunities to the Opp. Party (husband) to appear in this case, the Opp. Party has not appeared as yet.

It appears that the Opp. Party has himself received notice on 13.01.2026 which is evident from the report of the process server duly certified by the Nazir, Civil Courts, Gumla and sent vide Letter No.21 dated 16.01.2026 by the learned Judge-in-Charge (Nazarat), Civil Courts, Gumla.

12. It has been held in the case of ***N. C. V. Aishwarya vs. A. S. Saravana Karthik Sh***a vide order dated 18.07.2022 passed by the Hon'ble Supreme Court of India in Civil Appeal No.4894 of 2022 (arising out of SLP [C] No.16465 of 2021) at Para-10 and the same is quoted herein-below :-

> "10.*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 sane Judge so as to avoid multiplicity in trial of the same issues and conflict of decisions*."

13. It appears that the Opp. Party (husband) has not appeared in this case despite valid service of notice.

14. It also appears that two cases filed by the petitioner i.e. Complaint Case No.13121 of 2025 is pending before the court of learned C.J.M., Dhanbad and Original Maintenance Case No.658 of 2025 is pending before the Court of learned Principal Judge, Family Court at Dhanbad **whereas** Original Suit No.76 of 2025 filed by the Opp. Party, is pending before the learned Principal Judge, Family Court, Gumla.

15. In view of the aforesaid judgment passed by the Hon'ble Supreme Court in the case of ***N. C. V. Aishwarya vs. A. S. Saravana Karthik Sh***a and on the facts and the circumstances of the present case, Original Suit No.76 of 2025 filed by the Opp. Party (husband) is directed to be transferred from the court of learned Principal Judge, Family Court, Gumla to the Court of learned Principal Judge, Family Court, Dhanbad.

16. Accordingly, the instant Transfer Petition (Crl.) is allowed.

17. Office of the learned Principal Judge, Family Court, Gumla is directed to transmit the entire records of Original Suit No.76 of 2025 to the Court of learned Principal Judge, Family Court, Dhanbad.

18. Let a copy of this order be communicated to the learned Principal Judge, Family Court, Gumla as well as learned Principal Judge, Family Court, Dhanbad for its compliance at once.

(Sanjay Prasad, J.)

Dated: 29.04.2026.

Uploaded on: 15.05.2026

sandeep/-