

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1224 of 2023

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Priti Kumari W/o Ayush Kumar, D/o Ajay Kumar Singh, R/o Village-
Haripur, P.S.- Sonbarsha Kutchhary, District- Saharsa (Bihar), A/p C/o Ajay
Kumar Singh, R/o Mohalla- Bibiganj Vijayata Compound, Bhagwanpur P.S.-
Sadar, Post- General Post Office, District- Muzaffarpur.

... .. Petitioner/s

Versus

Ayush Kumar S/o Sri Pramod Kumar Singh @ Jitendra Kumar Singh, R/o
Village- Haripur, P.S.- Sonbarsa Kutchhary, District- Saharsa (Bihar), A/p
working at Brio Technologies as Associate could consultant, Gurugram,
Haryana

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Siyaram Pandey, Advocate

For the Opposite Party/s : Mr. Satish Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 16-01-2026

Heard Mr. Siyaram Pandey, learned Advocate for
the petitioner and Mr. Satish 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 Divorce Case No. 51 of 2022
filed by the opposite party from the court of learned Principal
Judge, Family Court, Saharsa to the court of learned Principal
Judge, Family Court, Muzaffarpur.

3. The marriage of the petitioner was solemnised on
09.12.2020 as per the Hindi rites and rituals, however, soon after
the marriage, she was subjected to demand of dowry and on



account of non fulfillment of the same, she was subjected to torture in various ways. The aforesaid incidence led to filing of Sadar P.S. Case No. 686 of 2022 for the offences punishable under Sections 498A, 323, 504, 506, 307/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act against the opposite party and others. The petitioner also filed Maintenance Case No. 125 of 2023 against the opposite party, which is also pending before the learned Principal Judge, Family Court, Muzaffarpur. There is a further litigation giving rise to Domestic Violence Case No. 1154 of 2023 registered under Section 12 of the Protection of Women from Domestic Violence Act, 2005, pending before the learned Chief Judicial Magistrate, Muzaffarpur.

4. Referring to the aforesaid facts, learned Advocate for the petitioner submitted that besides the three cases, as noted hereinabove, are pending consideration before the learned jurisdictional court of Muzaffarpur, the petitioner is unable to attend the Divorce Case No. 51 of 2022, pending before the court of learned Principal Judge, Family Court, Saharsa at a distance of 160 KM, the petitioner is a hapless lady fully dependent upon her old aged parents and there is no one to look after her; besides there is no any financial assistance.



5. On the other hand, learned Advocate for the opposite party filed a counter affidavit and submitted that all the three cases, which have been taken note of in the foregoing paragraphs have been filed back to back one by one after filing of Divorce case in order to wreak vengeance and put pressure. So far the distance is concerned, it is the admitted position that from Saharsa to Muzaffarpur, there is a good connectivity of four lane road as well as Railway and the opposite party is ready to pay the statutory amount on every appearance of the petitioner. It is next contended that the entire case of the petitioner is based upon concocted allegation and she does not deserve any sympathetic consideration to this Court only on account of she being the wife of the opposite party. Apart from the fact, the petitioner had already entered her appearance and filed written statement in Divorce case.

6. Before proceeding further, it would be worth benefiting to take note of the decision rendered in *N.C.V. Aishwarya Vs. A.S. Saravana Karthik Sha* [AIR 2022 SC 4318] where the Apex Court while 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.*”

7. It is also noted that 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*, ruled 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. In the light of the afore noted rulings now coming to the case at hand. Admittedly, out of four cases, three of them are pending before the jurisdictional court of Muzaffarpur and the petitioner is a woman, aged about 30 years, and has to face serious difficulties in attending the Court, which is at a distance of almost 160 KM; besides there is no one in her family to look after, except the aged parents, this Court finds substance in the present application.

9. Accordingly, the present application stands allowed and direct for transfer of Divorce Case No. 51 of 2022 from the court of learned Principal Judge, Family Court, Saharsa to the court of learned Principal Judge, Family Court Muzaffarpur.

10. On receipt of the record, the learned Principal Judge, Family Court, Muzaffarpur shall issue fresh notice to both the parties and proceed accordingly and dispose of the Divorce



case, in accordance with law expeditiously.

11. The application stands allowed.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.01.2026
Transmission Date	NA

