

## Sujata Devi Vs Pramod Kumar Yadav

**Court:** Jharkhand High Court

**Date of Decision:** March 13, 2002

**Acts Referred:** Civil Procedure Code, 1908 (CPC) â€” Section 24  
Hindu Marriage Act, 1955 â€” Section 13

**Hon'ble Judges:** Hari Shankar Prasad, J

**Bench:** Single Bench

**Advocate:** P.R. Bhagat, for the Appellant; A.K. Sahani, for the Respondent

**Final Decision:** Allowed

### Judgement

@JUDGMENTTAG-ORDER

Hari Shankar Prasad, J.

Heard the learned counsel for the parties.

2. This is an application u/s 24 of the CPC for transfer of Matrimonial Title Suit No. 64 of 1998 from the jurisdiction of Court of 2nd Additional

District Judge, Koderma to the Family Court at Hazaribagh.

3. The matrimonial Title Suit No. 64 of 1998 has been filed by the opposite party, who is the husband of the petitioner, u/s 13 of the Hindu

Marriage Act, 1955. It was initially filed at Hazaribagh but with the creation of Court of Additional District Judge at Koderma the case was

transferred to the 2nd Additional District Judge, Koderma. Now the petitioner, who is respondent in that matrimonial title suit has filed for transfer

of the case from the Court of 2nd Additional District Judge, Koderma to the Family Court at Hazaribagh on the ground that there is a Family

Court created specially for the purpose of taking such cases relating to Family matters and further that financial status of the family is not so sound

as to remain present on each and every date in the Court which is situated at a distance of about 72-75 kilometres away from the place of

residence of the petitioner. She has got no elderly male members to accompany her to the Court at Koderma.

4. In this connection, learned counsel appearing for the petitioner has cited Sumita Singh Vs. Kumar Sanjay and Another, wherein it has been held

that convenience of wife must be considered while considering such petition and on the other hand, learned counsel appearing for the opposite

party submitted that the aforesaid case law is based on three factors, such as :

1. Wife is working in Delhi.

2. She has no male member to accompany her from Delhi to Bhojpur which is at a distance of about more than thousand kilometres.

3. Her parents live at Gurgaon which is a place nearer to Delhi and therefore, all these facts were considered while allowing the petition of transfer

from Bhojpur to Delhi in the case.

5. On the other hand, though, it has not been averred that the petitioner is a working lady but considering the convenience of the petitioner, I allow

the transfer of Title Suit No. 64 of 1998 from the Court of 2nd Additional District Judge, Koderma to Family Court at Hazaribagh.

6. In that view of the matter, this petition is allowed and Matrimonial Suit No. 64 of 1998 is transferred from the Court of 2nd Additional District

Judge, Koderma to the Family Court at Hazaribagh.

7. After record of the case is received in the Family Court at Hazaribagh, the principal Judge of the Family Court will make every effort for

expeditious disposal of the case.