

(2008) 11 JH CK 0050
In the Jharkhand High Court

Neelu Kumar alias Neelu Kumari Verma alias Nitu Kumari	APPELLANT
Vs	
Birendra Verma	RESPONDENT

Date of Decision : 19-11-2008

Acts Referred:

Hindu Marriage Act, 1955 — Section 9
Penal Code, 1860 (IPC) — Section 498A

Citation : (2008) 11 JH CK 0050

Hon'ble Judges : R.K. Merathia, J

Bench : Single Bench

Judgement

R.K. Merathia, J.—This petition has been filed for transferring Title (Matrimonial) Suit No. 120 of 2007 filed by the respondent u/s 9 of the Hindu Marriage Act and pending in the Court of Principal Judge, Family Court. Ranchi to the Court of District Judge, Chaibasa.

2. It is submitted that the petitioner is a lady and residing in her father's house situated at Chakradharpur which is about 100 kms. away from Ranchi and she will face great difficulties in attending the Court at Ranchi. It is further submitted that Chaibasa is about 40 kms. and moreover, the respondent-husband has appeared in other two cases-one for maintenance and the other case registered u/s 498-A of the IPC filed by the petitioner and now pending in the Court of SDJM, Porahat, Chaibasa.

3. On being asked whether respondent-Birendra Verma is on bail in the case u/s 498-A or not. Mr. Sen submitted that most probably he is on bail and if not, petitioner has got no objection, if he is granted bail in 498-A case.

4. No body appeared on behalf of the opposite party on 17.11.2008, and therefore, the case was passed over. Again today also no body appeared on behalf of the opposite party to oppose the prayer made in this transfer petition.

5. In the circumstances, the Matrimonial Suit No. 120 of 2007 is transferred from the Court of Principal Judge, Family Court. Ranchi to the Court of the District

Judge, Chaibasa.

6. Let the records be transmitted within one week from the date of receipt/production of a copy of this order.

7. Let District Judge, Chaibasa will proceed with the matrimonial suit in accordance with the law.

8. If the opposite-party-Birendra Verma is not on bail in the case filed by the petitioner u/s 498-A etc.; he will be granted bail by the Court concerned on furnishing sureties for bail as directed by the Court.

With these observations and directions, this transfer petition is disposed of.