

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Transfer Petition (Civil) No. 17 of 2023

Rinki Devi Petitioner
Versus
1.Pramod Sonar
2.Ganesh Sonar Opposite Parties

CORAM : HON'BLE DR. JUSTICE S.N. PATHAK

For the Petitioner : Mr. Anjani Kumar, Advocate
For the Opp. Parties : Mr. P. K. Mukhopadhyay, Advocate

08/28.06.2024 Heard the parties.

2. The instant transfer petition has been filed under Section 24 of the Code of Civil Procedure on behalf of petitioner-wife seeking transfer of Original Suit No. 368 of 2022 filed under Section 13(1) of the Hindu Marriage Act, 1955 by the opposite party-husband from the Court of learned Principal Judge, Family Court, Giridih, to the Court of learned Principal Judge, Family Court, Dhanbad.
3. The marriage of the petitioner with opposite party No.1 was solemnized on 18.05.2006 according to Hindu rites and rituals under the guidance of both the families.
4. It is submitted by learned counsel for the petitioner that the petitioner-wife is residing in the district of Dhanbad and the financial condition of the petitioner is not sound enough that she can frequently visit Giridih to pursue the case. Learned counsel submits that since petitioner is a female, right has accrued to her to get the case transferred at a place where she resides. In support of his contention, learned counsel places reliance on the judgment passed by the Hon'ble Apex Court in case of **Sumita Singh Vs. Kumar Sanjay Kumar & Ors.** [Tr. Pet. (C). No. 396 of 2000] and in case of **Rajani Kumari Vs. Mohan Murari & Anr.** [Tr. Pet. (C). No. 1683 of 2018].
5. It is settled principle of law 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.

6. Since the wife has approached this Court, it is for her convenience that the matter is being transferred to the place where she is residing.
7. In view of the above discussion, the present transfer application filed by the petitioner-wife is allowed and Original Suit No. 368 of 2022, pending before the Court of learned Principal Judge, Family Court, Giridih is ordered to be transferred to the Court of Principal Judge, Family Court, Dhanabd.
8. The Court of learned Principal Judge, Family Court, Giridih is directed to remit the records of Original Suit No. 368 of 2022, to the Court of Principal Judge, Family Court, Dhanabd immediately. The parties shall appear before the Principal Judge, Family Court, Dhanabd on the date fixed.
9. Transfer Petition is accordingly allowed.

(Dr. S. N. Pathak, J.)

Rohit/-