

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Transfer Petition (Civil) No.24 of 2024

Nahid Ali, wife of Mohammad Ali, daughter of late Nasim Malik, aged about 30 years, at present resident of Bhuli Road, Near Samudaik Bhawan, Karim Ganj, Wasseypur, P.O.-Wasseypur, P.S.-Bankmore, Distt.-Dhanbad r/o Ist Floor, Malik Tires, Village-Hisla, P.O.+P.S.- Bagodar, Distt.-Giridih-825322.
Permanent Address r/o Village-Hisla, P.O.+P.S.- Bagodar, Distt.-Giridih-825322.

.... **Petitioner(s)**

Versus

Mohammad Ali, Son of Sagir Khan, resident of village – Hisla, P.O.-Bagodar, P.S.- Bagodar, District-Giridih.
At present 69BN BSF, Gokul Nagar Camp, P.O.+P.S.- Vishalgarh, Distt.-West Tripura, Tripura-799102.

.... **Opposite Party(s)**

With

Transfer Petition (Civil) No.25 of 2024

Nahid Ali, wife of Mohammad Ali, daughter of late Nasim Malik, aged about 30 years, resides at present Bhuli Road, Near Samudaik Bhawan, Karim Ganj, Wasseypur, P.O.-Wasseypur, P.S.-Bankmore, Distt.-Dhanbad permanent r/o Ist Floor, Malik Tires, Village-Hisla, P.O.+P.S.- Bagodar, Distt.-Giridih

.... **Petitioner(s)**

Versus

Mohammad Ali, Son of Sagir Khan, resident of village – Hisla, P.O.-Bagodar, P.S.- Bagodar, District-Giridih.

.... **Opposite Party(s)**

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Petitioner(s)	: Mr. Prabhat Kr. Sinha, Adv.
For the Opposite Party(s)	: Mr. Abhishek Singh, Adv.

13/Dated: 28th March, 2025

1. Heard learned counsel for the petitioner/wife and learned counsel for the opposite party/husband.
2. The present transfer petitions have been filed by the wife under Section 24 of the Code of Civil Procedure for transfer of Original Title Suit No.202 of 2023 from the Court of Additional Family Court, Giridih to the Court of Principal Judge, Family Court, Dhanbad and Original Suit (Guardianship Case) No.301 of 2023 from the Court of Principal District Judge, Giridih to the Court of Principal Judge, Family Court, Dhanbad. Both the suits have been filed by the opposite party/husband. First suit has been filed for restitution of conjugal rights under Section 281 of the Mohammedan Law and second one has been filed under Section 12 read with section 25 of the Guradians and Wards Act, 1890.

3. The point has been taken by the learned counsel for the petitioner/wife that the marriage has been contracted between the parties on 29.04.2011 as per Muslim Customs and out of the said wedlock they were blessed with three children. From the report of the concerned court, it appears that the children are residing with the petitioner.

4. Learned counsel for the husband has opposed the prayer of the petitioner.

5. Considering the report and the fact that the wife has to take care of her three minor children, the Original Title Suit No.202 of 2023 and Original Suit (Guardianship Case) No.301 of 2023 are hereby transferred to the Court of Principal Judge, Family Court, Dhanbad.

6. Both the transfer petitions stand disposed of.

(Rajesh Kumar, J.)

Amar/-
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