

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Transfer Petition (Civil) No. 58 of 2025

Sangita Devi, aged about 24 years, wife of Santosh Kumar Sah, daughter of Polas Sah, presently residing at village Simaldhav, P.O. Labri, P.S. Barhet, Dist. Sahebganj, permanent resident of Simaldhab, P.K, Bazaar, Barhait, P.O. and P.S. Barhait, Dist. Sahibganj **Petitioner**

Versus

Santosh Kumar Sah, aged about 27 years, son of Mehru Sah, resident of village Kathoun, P.O.-Kathoun, P.S. Poreyahat, Dist. Godda **Opp. Party**

CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Petitioner : Mr. Vikas Kumar, Advocate
 For the Opp. Party : Mr. Ashraf Ansari, Advocate

Order No. 07/ Dated: 18th September, 2025

Heard learned counsel for the parties.

2. The instant petition has been filed under Section 24 of the Code of Civil Procedure, 1973 for transfer of Original Suit No. 108 of 2025 pending before the Court of Learned Principal Judge, Family Court, Godda to the Court of Learned Principal Judge, Family Court, Sahibganj.

3. Learned counsel for the petitioner submits that the marriage of petitioner was solemnized with the Opp. Party on 11.06.2022. Further it is submitted that after the marriage petitioner went to her matrimonial home and resided with her husband (Opp.Party) and with his family members and after few time her in-laws started taunting and passing sarcastic comments and ironical remarks against the petitioner that she has brought less and insufficient dowry. It is further submitted that she was forced to do entire household work alone without any help but even then, she dealt with that miserable situation. It is also stated that the behavior of her husband was abnormal and used to fight on a petty matter and abuse her. It is submitted that from this wedlock, petitioner has been blessed with one girl-child being nine months old. It is further

submitted that after birth of girl child, the situation would improve but the same deteriorated due to the mental disability of the child because they wanted a male child for successor of the family. It is further submitted that while the petitioner was staying in her parental house, her parents tried to resolve the dispute through phone but all in vain and never cared and they said that her daughter is not capable of giving birth to a male child so they do not want her daughter and ultimately, a case under Section 9 of the Hindu Marriage Act, for restitution of conjugal rights has been filed O.S. No. 108/2025.

4. It is submitted that she being a lady, having one girl child with mental disability known as pachygyria and not having any support or help to accompany her from Sahibganj to Godda, is not in a position to defend case and go alone and come back from outside of her home town i.e. Sahibganj. It is also submitted that it is not possible for her to travel from Sahibganj to Godda on same day by any means because she (her daughter) requires constant care, supervision and medical attention of her daughter and cannot leave her daughter unattended.

5. It is further submitted that petitioner is having no independent income of her own and completely dependent on her parents and does not have the means to go Godda which is 90 KM far from Sahibganj and it is not safe to travel with minor who is mentally challenged daughter and petitioner is under grave threat and is not in a position to defend her case at Godda. Therefore, it is very difficult for her to attend the Original Suit No. 108/2025 filed by her husband under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights, therefore, in the ends of justice and for proper pursuing the case, the aforesaid Original Suit No. 108 of 2025 pending before the Court of Learned Principal Judge, Family Court, Godda be transferred to the Court of Learned Principal Judge, Family Court, Sahibganj.

6. Learned counsel appearing for the opposite party has opposed the contentions raised by learned counsel for the petitioner and submitted that all the allegations made by the petitioner are false and baseless.

6. Considering the aforesaid submissions of the respective parties and the grounds taken by the petitioner, it appears expedient in the ends of justice to transfer Original Suit No. 108 of 2025 from the Court of Learned Principal Judge, Family Court, Godda to the Court of Learned Principal Judge, Family Court, Sahebganj.

7. Accordingly, the proceeding of Original Suit No. 108 of 2025 pending before the Court of Learned Principal Judge, Family Court, Godda is hereby transferred to the Court of Learned Principal Judge, Family Court, Sahebganj.

8. In result, the instant transfer petition is allowed.

(Pradeep Kumar Srivastava, J.)

18.09.2025
Basant