

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3215 of 2013

In
Matrimonial Reference No. 289 of 2011

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Mrs. Smita Shrivastava

.... Petitioner/s

Versus

Sunil Kumar Shrivastava

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 29-09-2015

Heard learned counsel for the petitioner and

learned counsel for the opposite party.

In the present case a prayer has been made to transfer the Divorce Case No. 289 of 2011 which is pending in the Family Court of of Motihari, East Champaran to the Family Court, Muzaffarpur. In the present case the marriage of the petitioner was solemnized in the year 2008 which could not run smoothly and led to filing of this divorce case. In the present case I am not inclined to deal with the merit of the case and only confining to the issue of transfer of the case from Principla Judge , Family Court Motihari, Est Champapran to Principal Judge, Family Court Muzaffarpur as the claim has been made by the petitioner that she has a small child and being a lady is very difficult for her to attend the Family Court, Motihari, East Champaran whereas

her husband will not face adverse situation as he is attending the court of Motihari and it will be in the interest of justice if the case is transferred to Muzaffarpur.

Counsel for the respondent opposite party submits that his father is a cancer patient and is bed ridden and he is the only son to serve his father. On query he has stated that he has two brothers and his mother is also alive. The respondent opposite party has also married sister. In view of the fact that he has full family to look after and take care of his father but it will be very difficult for a lady to carry his child for attending the court to Motihari.

In such view of the matter, it will be equitable to transfer the case from Motihari Family Court to Family Court, Muzaffarpur. As such the family court is directed to transfer the divorce case 289 of 2011 from Family Court, Motihari, East Champaran to Family Court, Muzaffarpur. The court below is directed to expedite the matter and conclude the same at an early date without giving any adjournment to the respondent.

The application stands disposed of.

(Shivaji Pandey, J)

M.Rahman/-

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