

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.74 of 2015

In
MAT. SUIT 149 of 2014

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Archana Kumari W/o Amit Kumar, resident of village - Bhagwanipur, P.S. Sangrampur and District- East Champaran (Motihari).

.... Petitioner/s

Versus

Amit Kumar S/o Sri Om Prakash Jaiswal, Resident of Mohallah Garib Asthan, Ganpati Lane, P.S. Muzaffarpur Town and District Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : M/s Sanjay Kumar Griyaghey and
S.K. Dutta, Advs.

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 13-07-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is seeking transfer of Matrimonial Case No. 149 of 2014 from the court of Principal Judge Family Court, Muzaffarpur to the court of Principal Judge, Family Court, East Champaran (Motihari).

In this case, an application has been filed for dissolution of the marriage under Section 11 of the Hindu Marriage Act on the ground that the petitioner was suffering with mental disorder and was not capable to give consent and was also not capable for procreation of children.

In this application, plea of inconvenience has been

taken, stating, it will be very difficult for a young lady to attend the case on day to day basis at Muzaffarpur from Motihari, so much so that the opposite party is also attending a case at Motihari in a case which has been filed by the petitioner and in such view of the matter, it will not be inconvenience for the opposite party to attend the case at Motihari.

Looking to the comparative hardship in between female and male, this Court is of the view, male will not feel inconvenient to attend the case at Muzaffarpur than to a lady. In such view of the matter, the case should be transferred from Muzaffarpur to East Champaran (Motihari). Accordingly, Matrimonial Case No. 149 of 2014 is transferred from the court of Principal Judge Family Court, Muzaffarpur to the court of Principal Judge, Family Court, East Champaran (Motihari). The Principal Judge Family Court, Muzaffarpur is directed to remit the case within two weeks from the date of receipt/production of a copy of this order and at the same time, Principal Judge Family Court, East Champaran (Motihari) is also directed to expedite the case and dispose of the same without unnecessary delay.

(Shivaji Pandey, J)

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