

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1937 of 2017

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1. Minu Devi @ Minu Kumari, wife of Amit Sah, resident of Village- Sukh Nagar (Karat Barhi), P.S.- K. Hat, District- Purnea, at present Daughter of Raj Kishore Prasad, Resident of Mohalla- Gola Road, P.S.- Nawada, District- Nawada.
2. Raj Kishore Prasad, son of Late Chote Lal,
3. Seema Devi, wife of Raj Kishore Prasad, Resident of Mohalla- Gola Road, P.S.- Nawada, District- Nawada.

.... Petitioner

Versus

Amit Sah, son of Bal Govind Sah, resident of Village- Sukh Nagar (Karat Barhi), P.S.- K. Hat, District- Purnea.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Sanjay Kumar Sinha, Advocate

For the Opposite Party : Mr. Rajesh Kr. Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 20-11-2017

The present petition has been filed for transfer of Matrimonial Case No. 84 of 2016 pending in the court of learned Principal Judge, Family Court, Purnea to the court of learned Principal Judge, Family Court, Nawada.

2. Learned counsel for the petitioners submits that the petitioner no. 1 has been ill-treated at the hands of the opposite party and his family members forcing her to take shelter at her paternal home. She is a poor lady suffering from various diseases for which she has undergone treatment (Annexure-3). Petitioner no. 1 has filed Complaint Case No. 1328 of 2016 complaining cruelty meted out to her by the opposite party and Maintenance Case No. 38 of 2017 under Section 125 of the Code of Criminal Procedure for maintenance, both of



which are pending at Nawada in which the opposite party is required to attend.

3. Learned counsel for the opposite party submits that the cases have been instituted by the petitioner no. 1 subsequently and she is resisting his prayer for restitution of conjugal rights without adequate reasons.

4. Having heard the parties and on careful consideration of the materials available on record, this Court finds merit in the petition. It is not in dispute that the two cases instituted by the petitioner no. 1 are pending at Nawada and hence, the balance of convenience lies in her favour. Accordingly, this Court directs transfer of Matrimonial Case No. 84 of 2016 from the court of learned Principal Judge, Family Court, Purnea to the court of learned Principal Judge, Family Court, Nawada.

5. The petition stands allowed.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	21.11.2017
Transmission Date	N.A.

