

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.4059 of 2016

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1. Madhu Kumari, wife of Vishal Kunal, daughter of Sri Rajeshwar Prasad Mandal
2. Rjeshwar Prasad Mandal, son of late Dwarika Mandal
3. Sudha Mandal, wife of Rajeshwar Prasad Mandal,
All resident of Kashipur, Ward No. 9, P.S. Town and District
Samastipur at present resident of Loknathpurganj, P.S.Dalsingsarai,
District Samastipur.

.... Petitioners

Versus

Vishal Kunal, son of Sri Vinod Kumar Gupta, resident of Mohalla Hathsarganj,
P.S. Hajipur Town, District Vaishali.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Prabhat Ranjan Singh, Advocate

Mr. Prabeen Kumar Singh, Advocate

For the Opposite Party : Mr. Manish Chandra Gandhi, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 14-09-2017

The present petition has been filed for transfer of
Restitution Case No. 299 of 2014 from the Court of learned Principal
Judge, Family Court, Vaishali at Hajipur to the Court of learned
Principal Judge, Family Court, Samastipur.

2. The matter has been kept in chambers today by order
dated 28.08.2017 in view of the willingness of the petitioner no. 1 to
explore the possibility of an amicable settlement and to accompany
the opposite party to her matrimonial home.

3. In compliance of the order dated 28.08.2017 the parties
are personally present. The petitioner no. 1 expresses her willingness
to live with the opposite party and has come prepared to accompany



the opposite party to go to her matrimonial home from the Court premises itself.

4. The opposite party however, expresses that he is not in a position to take the petitioner no. 1 along with him. A counter affidavit has been filed on behalf of the opposite party enclosing a copy of the order dated 30.08.2017 passed in Restitution Case No. 299 of 2014 by the Court of learned Principal Judge, Family Court, Vaishali at Hajipur. The Court has disbelieved the ground given by the opposite party for not being physically present which was with a view to avoid taking the petitioner no. 1 with him. The Restitution Case has accordingly been disposed of.

5. Considering that the subject Restitution Case itself has already been disposed of, the present matter has become infructuous and also stands disposed of.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
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