

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3658 of 2016

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Anjali Kumari, wife of Vikash Bhartiya, resident of Mohalla- Kali Sthan, Ward No.-6, Dalsinghsarai, District- Samastipur, At present residing at D/o- Sri Arun Kumar, Mohalla - Purani Bazar, Ward No.- 11, P.S.- Nawada, District- Nawada.

.... Petitioner

Versus

Vikash Bhartiya, S/o Sri Madan Mohan Prasad, resident of Mohalla- Kali Sthan, Ward No.-6, Dalsinghsarai, District- Samastipur.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rajeev Nayan, Advocate

For Opposite Party : Mr. Sachin Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 01-11-2017

The present petition has been filed for transfer of Divorce Case No. 59 of 2016 pending in the court of learned Principal Judge, Family Court, Samastipur to the court of learned Principal Judge, Family Court, Nawada.

2. Learned counsel for the petitioner submits that the petitioner is dependant on her aged father and has a small baby in her lap to take care of and she would be put to great difficulty if she is required to travel to Samastipur to contest the subject divorce case. Moreover, she has instituted Complaint Case No. 1143 of 2016 as well as Maintenance Case No. 90 of 2016 both of which are pending at Nawada in which the opposite party is required to attend.

3. Learned counsel for the opposite party appears and has been heard. It is submitted that the opposite party would also face



great difficulty in attending the divorce case if the same is transferred as sought by the petitioner, as he is presently residing at Madhubani where he is posted.

4. Having heard the parties and on careful consideration of the materials available on record, this Court finds merit in the petition. The balance of convenience therefore, lies in favour of the petitioner and accordingly, this Court directs transfer of Divorce Case No. 59 of 2016 from the court of learned Principal Judge, Family Court, Samastipur to the court of learned Principal Judge, Family Court, Nawada.

5. The petition stands allowed.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
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