

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.750 of 2016

IN

Matrimonial Reference No. 967 of 2015

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Reitu Kumari, aged about 30 years, wife of Sri Manoj Prakash and daughter of Sri Ram Swarath Pandit, Resident of Mohalla- Vishnu Puri (Chit Kohra) P.O. Anisabad, Police Station- Gardanibagh, District- Patna.

.... Petitioner

Versus

Manoj Prakash, aged about 32 years, Son of Mohan Prasad Prajapati, Resident of Mohalla- Purana Shahar Ward No. 6 P.O. and P.S. Daud Nagar, District- Aurangabad.

.... Opposite Party

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Appearance:

For the Petitioner : Mr. Ram Narayan Singh, Advocate

For the Opposite Party : Mr. Nishant Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 19-06-2017

Heard learned counsel for the petitioner and learned counsel for the Opposite Party.

2. The present petition has been filed for transfer of Matrimonial Case No. 131 of 2015 from the Court of learned Principal Judge, Family Court, Aurangabad to the Court of learned Principal Judge, Family Court, Patna for hearing and disposal of this case along with Divorce Case No. 967 of 2015.

3. On 31.08.2015 a divorce petition was filed by the petitioner



being Divorce Case No. 967 of 2015 in the Court of learned Principal Judge, Family Court, Patna. Soon thereafter on 15.09.2015 Matrimonial Case No. 131 of 2015 was filed by the opposite party before the learned Principal Judge, Aurangabad also seeking divorce from the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is a lady posted as teacher in Lal Bahadur High School, Makhodumpur (Punpun), Patna, and it would be difficult for her to attend the Court at Aurangabad. It is further submitted that a joint petition has been filed in terms of Section 13(B) of the Hindu Marriage Act, 1956 for mutually consented divorce in the petitioner's pending Divorce Case No. 967 of 2015 and hence the balance of convenience is in favour of the petitioner for transfer of Matrimonial Case No. 131 of 2015 to be taken up along with petitioner's Divorce case No. 967 of 2015 at Patna.

5. Learned counsel for the Opposite Party has appeared and has been heard. It is not in dispute that a joint petition, as aforesaid, has been filed in Divorce Case No. 967 of 2015 and as such there is no serious objection to the petitioner's prayer for transfer of Matrimonial Case No. 131 of 2015 to Patna.

6. Having regard to the respective stand of the parties, this Court directs transfer of Matrimonial Case No. 131 of 2015 filed at the instance of the opposite party in the Court of learned Principal Judge, Family Court, Aurangabad to the Court of learned Principal Judge,



Family Court, Patna to be taken up along with petitioner’s Divorce Case
No. 967 of 2015 for appropriate disposal.

7. The petition stands allowed.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	21.06.2017
Transmission Date	N.A.

