

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2699 of 2014

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Pradyut Kumar Chaubey son of Prakash Chandra Chaubey, resident of Mohalla
- Indra Nagar, Laliapahi, P.S. Katihar, Distt. Katihar

.... Petitioner

Versus

Garima Kumari W/o Pradyut Kumar Chaubey Resident of Mohalla + P.S.
Mithanpura, Distt. - Muzaffarpur

.... Opposite Party

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Appearance :

For the Petitioner : Mr. J.S.Arora, Senior Advocate
Mr. Raghvendra Kumar Singh, Advocate
For the Opposite Party : Mr. Rajeev Ranjan, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 11-09-2017

The present petition has been filed for transfer of Guardian Case No. 5 of 2014 from the Court of learned Principal Judge, Family Court, Muzaffarpur to the Court of learned Principal Judge, Family Court, Katihar or Begusarai or Bhagalpur.

2. Mr. J.S. Arora, learned senior counsel appearing on behalf of the petitioner submits that the learned Court at Muzaffarpur has no jurisdiction to proceed in the matter inasmuch as admittedly the minor child has been residing with the petitioner since July, 2012 and is admitted by the opposite party herself in para 3 of her petition under Section 6 of the Guardian and Wards Act, 1890 (hereinafter referred to as 'the Act'). The petitioner has raised an objection on the ground of territorial jurisdiction in the light of Section 9 of the said Act in terms of his petition dated 15.10.2014 (Annexure-7) before the learned Principal Judge, Family Court, Muzaffarpur, but the said petition has not been returned and the learned Court has continued with the proceeding.

3. Learned counsel for the opposite party appears and has



been heard.

4. Having considered the rival submissions of the parties, this Court is not inclined to interfere in the matter. It is the contention of the petitioner that the learned Principle Judge, Muzaffarpur does not have jurisdiction in the matter and for which he has already approached the Court with a petition 15.10.2014 against maintainability of the subject Guardianship case.

5. In these circumstances, the Court of learned Principal Judge, Family Court, Muzaffarpur is directed to consider and dispose of the petition dated 15.10.2014 filed by the petitioner and first decide the maintainability of the Guardianship case.

6. The petition stands disposed of.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
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