

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2109 of 2016

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Anuradha Raj wife of Raj Kumar @ Deepak resident of Nai Sarai (Station Road),
Town + P.S. - Biharsharif, District - Nalanda, daughter of Nagendra Prasad @
Lallu Babu, resident of P.D. Lane, Mahendru, P.S. - Pirbahore, District - Patna.

.... Petitioner

Versus

Raj Kumar @ Deepak son of Late Arbind Prasad @ Chand Babu resident of Nai
Sarai (station road), Town + P.S. - Biharsharif, District - Nalanda.

.... Opposite Party

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Appearance:

For the Petitioner : Mr. Vijay Anand, Advocate

For the Opposite Party : Mr. Dhurjati Kumar Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 30-10-2017

The present petition has been filed for transfer of
Matrimonial Case No. 160 of 2015 from the Court learned Principal
Judge, Family Court, Nalanda at Biharsharif to the Court of learned
Principal Judge, Family Court, Patna.

2. At the very outset, learned counsel for the opposite party
appears and undertakes that the subject Matrimonial Case No. 160 of
2015 would be withdrawn latest by the end of November, 2017. It is
further undertaken that no step would be taken by the opposite party
in the said Matrimonial Case in the meantime.

3. Moreover, learned counsel for the opposite party invites
attention to para 8 of the counter affidavit, according to which the
petitioner is residing in her matrimonial home since 14.07.2017. This



fact has not been denied by the petitioner and no rejoinder has been filed by her. In this view of the matter, it would appear that the subject Matrimonial Case No. 160 of 2015 itself may have become infructuous as the same had been filed for restitution of conjugal rights.

4. Having regard to the stand of the opposite party, the present petition stands disposed of with an observation that the petitioner shall be at liberty, in the event of failure on the part of the opposite party, to withdraw the said Matrimonial Case No. 160 of 2015 by the end of November, 2017 and if the petitioner no longer resides with the opposite party, to move for revival of the present petition.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
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