

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2934 of 2016

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Jyoti Devi, daughter of Ram Sakal Rai @ Ram Bilas Sharma, resident of village
Gujru P.S. Karakat, P.O. Kacchwan, District- Rohtas at present address- C/o
Subir Chakraborty, Jagarnathpuri, Barmasia, P.S. & District Katihar.

.... Petitioner

Versus

Raju Kumar, son of Sri Manji Rai, Resident of Mohalla- Khilanganj back of Sahu
Cinema, Ward No. 31, Sasaram, P.S. Sasaram, District- Rohtas.

.... Opposite Party

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Appearance:

For the Petitioner	:	Mr. Alok Kumar Jha, Mr. Shivanand Singh, Advocates
For the Opposite Party	:	Mr. Pramod Kumar Sinha Mr. Arvind Kumar Sharma Mr. Chetan Kumar, Advocates.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 07-07-2017

Heard learned counsel for the petitioner and learned counsel
for the opposite parties.

2. The present petition has been filed for transfer of
Matrimonial Case No. 111 of 2013 from the Court of learned Principal
Judge, Family Court, Rohtas at Sasaram to the Court of learned
Principal Judge, Family Court, Katihar.

3. The short facts of the case according to the petitioner are that
Matrimonial Case No. 111 of 2013 was filed by the opposite party in
the Court of learned Principal Judge, Family Court, Rohtas at Sasaram
on 30.05.2013 which was admitted the next day. Pursuant to issuance
of notice the petitioner appeared on 28.10.2013 and filed written



statement on 16.01.2015. Thereafter, she was unable to attend before the Court to contest the case.

4. Learned counsel for the petitioner submits that she is residing at Katihar doing tuition work to meet her daily expenses. Her father is a low paid employee. It is therefore, submitted that she has no sufficient means to contest the Matrimonial Case at Sasaram, more so because of considerable distance between the two places. It is further stated that even though Maintenance Case No. 313 of 2015 was decided by order dated 19.02.2016 directing payment of Rs. 10,000/- per month by the opposite party to the petitioner, the same is not being paid.

5. Learned counsel for the opposite party on the other hand, submits that evidence is ongoing in the Matrimonial Case. The petitioner already appeared and filed her written statement. As far as maintenance case is concerned, the same has been disposed of by ex-parte order and for which Ref. Misc. Petition No. 19 of 2016 has been filed for setting aside the order and for restoring the case, which petition remained pending. More significantly, learned counsel for the opposite party invites attention to his petition dated 12.06.2017 filed before the learned S.D.J.M., Katihar in Case No. 1963 of 2013. The said case was filed by the petitioner under Section 498A of the Indian Penal Code and Sections 3 and 4 of the D.P. Act. In his petition, the opposite party has complained of abuse and assault by the petitioner and her



family members when he visits Katihar in connection with the said case. It is specifically stated in the said petition that on 20.05.2016 when the evidence of PW 4 was going on, cross examination was interrupted by unruly scenes by the petitioner and hence the Court's proceedings had to be deferred. It is also stated that the opposite party was manhandled and assaulted by the petitioner's side in the Court premises by the petitioner's brother and was rescued only on the intervention of the people present there.

6. Having heard the parties and on consideration of the materials on record, this Court is not inclined to interfere in the matter. The abusive and violent conduct of the petitioner's side as alleged in the supplementary counter affidavit has not been controverted as no rejoinder thereto has been filed nor time prayed for the same. Having regard to the above, as well as the stage of the Matrimonial Case No. 111 of 2013 it is evident that the opposite party would face considerable difficulty in pursuing the Matrimonial Case, if the same is transferred to Katihar, as sought on behalf of the petitioner.

7. In the above view of the matter, the present petition is disposed of with the expectation that the Court of learned Principal Judge, Family Court Rohtas at Sasaram may expedite the trial of Matrimonial Case No. 111 of 2013 and conclude the same, if possible, within a period of three months from the date of receipt/production of a copy of this judgment.



8. Learned counsel for the parties agree to co-operate fully in the trial without seeking unnecessary adjournments to ensure speedy disposal of the Matrimonial Case. It is also expected that the learned Principal Judge, Family Court, Katihar would consider and dispose of Ref. Misc. Petition No. 19 of 2016 said to have been filed by the opposite party, if not already disposed of, expeditiously in accordance with law.

(Vikash Jain, J)

Chandran

FR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	12.07.2017
Transmission Date	N.A.

