

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.424 of 2016

**IN
MA 5 of 2012**

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Manju Sahu, wife of Narendra Kumar Bhagat, at present residing with father
Ramchariter Sahy, at Mohalla Ahiyapur, P.S.Ahiyapur, District Muzaffarpur.

.... Petitioner

Versus

Narendra Kumar Bhagat, son of Late Ram Deo Bhagat, resident of village
Talkhapur, P.S. Sitamarhi, District Sitamarhi.

.... Opposite Party

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Appearance:

For the Petitioner : Mr. Sanjay Parasmani, Advocate

For the Opposite Party : None

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 12-10-2017

The present petition has been filed for transfer of Guardianship
Case in Misc. Case No. 5 of 2012 pending in the Court of learned Principal
Judge, Family Court, Sitamarhi to the Court of learned Principal Judge, Family
Court, Muzaffarpur.

2. It is submitted on behalf of the petitioner that the petitioner
would be put to great difficulty if she has to go to Sitamarhi to contest the
subject Guardianship Case in Misc. Case No. 5 of 2012. The petitioner had
earlier filed Complaint Case No. 2439 of 2002 before the learned Chief
Judicial Magistrate, Muzaffarpur in which cognizance has been taken under
Section 498A IPC. The opposite party had filed Matrimonial Case No. 99 of
2010 seeking divorce in the Court of learned Principal Judge, Family Court,
Sitamarhi and on the application of the petitioner, the same has already been
transferred to the Court of learned Principal Judge, Family Court,
Muzaffarpur by order dated 19.01.2017 passed in MJC No. 115 of 2014.



3. Despite valid service of notice, appearance has not been entered on behalf of the opposite party nor is he represented when the matter is called today.

4. Having heard learned counsel for the petitioner, this Court finds merit in the petition. Considering that the Complaint Case No. 2439 of 2002 filed by the petitioner as well as Matrimonial Case No. 99 of 2010 filed by the opposite party are both pending at Muzaffarpur, let Guardianship Case in Misc. Case No. 5 of 2012 pending in the Court of learned Principal Judge, Family Court, Sitamarhi be transferred to the Court of learned Principal Judge, Family Court, Muzaffarpur.

5. The petition stands allowed.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
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