

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1072 of 2016

IN

Matrimonial Reference No. 5455 of 2014

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Priyanka, wife of Sri Rahul Kumar, D/o Shri Madan Mohan Singh, residing at Vidyapati Nagar, Ward No. 19, under Town Parishad Saharsa, P.S. Saharsa Town District Saharsa, Permanent Address Village Sahjampur, P.S. Uda Kishunganj, District Madhepura

.... Petitioner

Versus

Rahul Kumar, son of Shri Birendra Kumar Singh, R/o Flat No. 2-A, Nishtha Residency (Near Mehendi Utsav Hall), Anandpuri, P.S. Shri Krishna Puri, West Boring Canala Road, District Patna 800001.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Subodh Kumar Sinha, Advocate

For Opposite Party : Mr. J.S. Arora, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 03-10-2017

The present petition has been filed for transfer of Case No. 5455 of 2014 pending in the court of learned Principal Judge, Family Court, Patna to the court of learned Principal Judge, Family Court, Saharsa.

2. At the very outset, Mr. J.S. Arora, learned senior counsel appearing on behalf of the opposite party submits that as a matter of fact the petitioner also filed a divorce petition in Divorce Case No. 34 of 2016 before the learned Principal Judge, Family Court, Saharsa (Annexure-A to the counter affidavit). He relies on a decision of a co-ordinate Bench of this Court passed in MJC No. 693 of 2013 wherein, considering that both parties had filed divorce petitions, the matter was disposed of with the observation that both parties may approach



the Family Court, Bhagalpur for mutual consent dissolution of their marriage. It would appear that Bhagalpur was the place of residence of the petitioner-wife in that case.

3. Learned counsel for the petitioner has no objection if the present petition is disposed of in line with and on the same terms as MJC No. 693 of 2013.

4. The present petition is accordingly disposed of with the observation that both parties may approach the learned Principal Judge, Family Court , Saharsa with a petition for dissolution of marriage with mutual consent and in that event, the learned Principal Judge, Family Court, Saharsa would pass appropriate orders in accordance with law without undue delay.

5. In the meantime, learned counsel for the petitioner undertakes that no steps will be taken in Divorce Case No. 34 of 2016 pending before the Family Court, Saharsa, until disposal of the petition for divorce through mutual consent.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	09.10.2017
Transmission Date	N.A.

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