

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.4869 of 2014

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Kumari Sushma Dayal, wife of Indradeo Prasad, A/p Assistant Engineer, South Bihar, Power Distribution Company, P.E.S.U., Patna.

.... Petitioner

Versus

Indradeo Prasad, S/o Govardhan Rajak, R/o village - Kowakol, P.S.- Kowakol, District - Nawadah, A/p Civil Engineer, East Central Railway, Hajipur, District - Vaishali, Resident of Village Kowakol, P.S. Kowakol, District Nawadah

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ram Yash Singh, Advocate

For the Opposite Party: Mr. Sanjeet Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 12-10-2017

Heard learned counsel for the petitioner as well as learned counsel for the opposite party.

2. The present petition has been filed for transfer of Matrimonial Case No. 73 of 2012 pending in the court of learned Principal Judge, Family Court, Nawada to the court of learned Principal Judge, Family Court, Patna or any other court of competent jurisdiction in Patna.

3. Learned counsel for the petitioner submits that the parties were married on 28.01.2017 and thereafter, a son was born on 16.12.2007 from their wedlock. After marriage the petitioner was ill-treated at her matrimonial home and the opposite party has been continuing his relationship with another lady by reason of which the petitioner is not prepared to reside with the opposite party. It is submitted that the subject matrimonial case filed by the opposite party for restitution of conjugal rights is mala fide and vexatious as the opposite party himself has deserted the petitioner. In any event, it is submitted that the petitioner will be put to great



difficulty if she has to travel to Nawada to contest the matrimonial case.

4. Having heard learned counsel for the parties and on careful consideration of the materials available on record, this Court finds merit in the writ petition. The broad facts brought on record are not in dispute particularly that the petitioner as well as the opposite party are both residing at Patna. No counter affidavit has been filed on behalf of the opposite party to controvert such facts.

5. In the above circumstances, this Court directs transfer of Matrimonial Case No. 73 of 2012 from the court of learned Principal Judge, Family Court, Nawada to the court of learned Principal Judge, Family Court, Patna.

6. The petition stands allowed.

(Vikash Jain, J)

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