

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.747 of 2016

IN

Matrimonial Reference No. 135 of 2011

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Smt. Nilima Shankar, W/o Dr. Basant Pd., D/o Late Hari Shankar Lal, resident of Mohalla Bhatta Bazar, P.S. K. Hat, Dist- Purnea.

.... Petitioner

Versus

1. Dr. Basant Prasad S/o Sri Gyandeo Prasad, resident of Village- Choutham, P.S.- Choutham, Dist- Khagaria, at present residing at Mohalla Chhoti Khanjar Pur Barari, Dist- Bhagalpur.
2. Satish Kumar, son of Kedar Sah, resident of Saur Bazar, Dist- Saharsa.

.... Opposite Parties

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Appearance:

For the Petitioner : Mr. Hare Ram Sah, Advocate
For the Opp. Parties : None

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 28-06-2017

Heard learned counsel for the petitioner.

2. The present petition has been filed for transfer of Divorce Case No. 135 of 2011 from the Court of learned Principal Judge, Family Court, Bhagalpur to the Court of learned Principal Judge, Family Court, Purnea.

3. The short facts of the case according to the petitioner are that the parties were married on 03.07.2005, but subsequently differences arose between them. The petitioner is an Advocate practicing at Purnea Courts whereas opposite party no. 1 is a practicing Dental Surgeon at Bhagalpur.

4. Learned counsel for the petitioner submits that the



petitioner is in active practice in Purnea and being a lady, would face great difficulty in attending the Court to contest the Divorce Case at Bhagalpur. That part, the petitioner has already filed Complaint Case No. 2076 of 2009 under Section 498A of the Indian Penal Code and allied Sections which is pending at Purnea and in which the opposite party no. 1 and his family members are facing trial. It is therefore, submitted that the opposite party no. 1 is required to attend Courts at Purnea in the said complaint case and as a matter of convenience it would be desirable if the Divorce Case is also transferred to Purnea.

5. Despite appearance having been filed on behalf of the opposite party no. 1, neither he is represented when the matter is called today nor any counter affidavit has been filed on his behalf. On earlier occasion adjournment was granted on the prayer of learned counsel for the opposite party no. 1 on 09.05.2017. On the next date, on 19.06.2017, once again, none appeared on behalf of the opposite party no. 1 when a further opportunity was granted for his representation in the interest of justice.

6. Having heard learned counsel for the petitioner, this Court finds no reason not to accede to the prayer made by the petitioner. None has appeared on behalf of the opposite party no. 1 to oppose such prayer and it is thus obvious that there is no serious objection to the transfer of the Divorce Case as sought by the petitioner. It has been stated that the present Divorce Case is at the



initial stage and is likely to require attendance on a number of dates which would entail considerable inconvenience for the petitioner and interfere with her legal practice at Purnea.

7. In the above view of the matter, let Divorce Case No. 135 of 2011 be transferred from the Court of learned Principal Judge, Family Court, Bhagalpur to the Court of learned Principal Judge, Family Court, Purnea.

8. The petition stands allowed.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	30.06.2017
Transmission Date	N.A.

