

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2555 of 2017

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1. Noor Afsa @ Fauzia, Wife of Salim Jawed, Daughter of Hasnain Alam,
Resident of Vill.- Bhavdeopur, Ward No. 15, P.S.- Riga, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Salim Jawed @ Kussu, S/o Jawed Hushtaque @ Bhola, Resident of
Village- Bhavdeopur (Goat), Ward No.- 15, Chamada Godam, P.S. +
District- Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Sri Abhay Kumar Roy

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 23-02-2017 Heard learned counsel for the parties.

This application has been filed seeking transfer of
Maintenance Case No. M152/2014, pending in the Court of
learned Principal Judge, Family Court, Purnea to the Court of
learned Principal Judge, Family Court, Sitamarhi, where the
petitioner is presently residing.

The Opposite party No.2 is the husband of the petitioner.
It appears from the pleadings in the present application that at least
three cases between the petitioner and the Opposite party No.2
arising out of matrimonial dispute are pending in Courts of
Sitamarhi. It is her plea that it is highly inconvenient for her to
pursue the maintenance case at Purnea, where she had lived for a



very short period, during which maintenance case was filed by her.

Notices were issued to Opposite Party No.2. Despite valid service of notice, Opposite party No.2 has not entered appearance. Thus, the averments made in the present application to the extent they relate to transfer of case have remained uncontroverted. I find it to be a fit case for exercise of power under Section 407 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the **Code**), by transferring the Maintenance Case No. M152/2014 filed under Section 125 of the Code.

Accordingly, let Maintenance Case No. M152/2014 be transferred from the Court of learned Principal Judge, Family Court, Purnea to the Court of learned Principal Judge, Family Court, Sitamarhi.

This application is allowed.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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