

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1609 of 2016

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Bibi Saiyna @ Soni Wife of Md. Jawed Ansari, D/o Md. Abbash Ansari, resident of Grihasta Tola, Bania Toli Lane, P.O. + P.S. Barari, District Bhagalpur

.... Petitioner

Versus

Md. Jawed Ansari, S/o Asgar Ansari, resident of Village Surkhikal, Badi Khanjarpur, P.O. + P.S. Barari, District Bhagalpur

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rajeev Ranjan, Advocate

For the Opposite Party: None

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 09-10-2017

The present petition has been filed for transfer of M.M. Case No. 3 of 2015/4 of 2015 pending in the court of learned Principal Judge, Family Court, Supaul to the court of learned Principal Judge, Family Court, Bhagalpur.

2. Learned counsel for the petitioner submits that Maintenance Case No. 144 of 2014 was filed by the petitioner claiming maintenance under Section 125 of the Code of Criminal Procedure before learned Principal Judge, Family Court, Bhagalpur in which trial is at the stage of examination of the witnesses and in which the opposite party has been appearing. The petitioner is a lady with a small girl child of about 6 years and would be put to great difficulty in attending the matrimonial case at Supaul.

3. Despite issuance of notice, none appears on behalf of the opposite party when the matter is called.



4. Considering that the said Maintenance Case No. 144 of 2014 is already pending at Bhagalpur of which the opposite party is required to attend and the petitioner is a lady with a small girl child to take care of, the balance of convenience lies in favour of the petitioner. Accordingly, this Court directs transfer of M.M. Case No. 3 of 2015/4 of 2015 from the court of learned Principal Judge, Family Court, Supaul to the court of learned Principal Judge, Family Court, Bhagalpur.

5. The present petition stands allowed.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
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