

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1762 of 2015

IN

Matrimonial Reference No. 241 of 2014

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Priyanka Kumari wife of Sri Dilip Kumar, resident of village- Oraina, P.S.- Muffasil, District- Nawada at present, Daughter of Sri Ram Ratan Prasad, Village- Chhachhu Bigha, P.S.- Katrisarai, District- Nalanda

.... Petitioner

Versus

Dilip Kumar son of Late Lakhan Singh, resident of village- Oraina, P.S.- Muffasil, District- Nawada.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Pramod Kumar Sinha, Advocate.

For the Opposite Party : Mr. Shailendra Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 13-10-2017

The present petition has been filed for transfer of Matrimonial Case No. 241 of 2014 from the Court of learned Principal Judge, Family Court, Nawada to the Court of learned Principal Judge, Family Court, Nalanda at Biharsharif.

2. It is submitted that the petitioner has filed Complaint Case No. 547(c) of 2014 in which the learned Sub-Divisional Judicial Magistrate, Nalanda at Biharsharif has taken cognizance under Sections 323, 498(A) and 406 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act against the opposite party and his mother. The petitioner has also filed Maintenance Case No. 59(M) of 2014 before the learned Principal Judge, Family Court, Nalanda at Biharsharif which is also pending. It is submitted that the petitioner is



a poor lady without any independent source of income and she would be in great difficulty in attending the Court Nawada to contest the matrimonial case.

3. Learned counsel for the opposite party submits that an amount of Rs. 2,500/- per month by way of interim maintenance is regularly being paid to the petitioner.

4. Having heard the parties, this Court is of the view that the balance of convenience lies in favour of the petitioner. The two cases filed by the petitioner are already pending at Biharsharif where the opposite party would be required to attend and accordingly this Court directs transfer of Matrimonial Case No. 241 of 2014 from the Court of learned Principal Judge, Family Court, Nawada to the Court of learned Principal Judge, Family Court, Nalanda at Biharsharif.

5. The petition stands allowed.

(Vikash Jain, J)

Md. Ibrarul/Chandran

AFR/NAFR	NAFR
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