

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3304 of 2016

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Bebi Devi, W/o Naval Gupta, D/o Bishambhar Sah, Resident of Village - Pitaujhia, P.S. - Gogri Jamalpur, District - Khagaria.

.... Petitioner

Versus

Naval Gupta, Son of Late Kamleshwari Sah, resident of Village - Pain, P.S. - Akbar Nagar, District - Bhagalpur.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Manoj Kumar Singh, Advocate

For Opposite Party : Mr. D.K. Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 01-11-2017

The present petition has been filed for transfer of Matrimonial Case No. 413 of 2015 pending in the court of learned Principal Judge, Family Court, Bhagalpur to the court of learned Principal Judge, Family Court, Khagaria.

2. Learned counsel for the petitioner submits that Gogri P.S. Case No. 134 of 2010 as well as Maintenance Case No. 44 'M' of 2015 both are pending at Khagaria in which the opposite party is required to attend. Moreover, the petitioner has one small female child to take care of and would be put to great difficulty if she has to attend the matrimonial case instituted by the opposite party in 2015. The petitioner has no independent source of income and is dependant upon the aged father. It is stated that the matter was sought to be resolved in the mediation but even though the petitioner turned up for mediation, the opposite party only came on one occasion and



thereafter absented himself from the mediation proceeding.

3. Learned counsel for the opposite party appears and has been heard.

4. Having heard the parties and on careful consideration of the materials available on record, this Court finds merit in the petition. The balance of convenience therefore, lies in favour of the petitioner and accordingly, this Court directs transfer of Matrimonial Case No. 413 of 2015 from the court of learned Principal Judge, Family Court, Bhagalpur to the court of learned Principal Judge, Family Court, Khagaria.

5. The petition stands allowed.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
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