

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3443 of 2015

IN

Matrimonial Reference No. 144 of 2014

=====

Poonam Bharti Wife of Dr. Manoj Kumar, D/O- Shri Shivendra Kumar Mahto,
resident of Kusumpuram Colony, Gola Road, Baily Road, Danapur, Dist- Patna.

.... Petitioner

Versus

Dr. Manoj Kumar, son of Sri Ram Prasad Mahto resident of Mohalla- Professor
Colony, Maulaganj, P.S.- Laheriasarai, Dist.- Darbhanga

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Niraj Kumar, Advocate

For the Opposite Party : Mr. Bajrangi Lal, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 13-09-2017

The present petition has been filed for transfer of
Matrimonial Suit No. 144 of 2014/549 of 2014 from the Court of
learned Principal Judge, Family Court, Darbhanga to the Court of
learned Principal Judge, Family Court, Patna.

2. Learned counsel for the petitioner states that she will
face great difficulties in attending the matrimonial case at Darbhanga
as she is suffering from several ailments such as Cervical Spondylitis,
Irritable Bowel Syndrome and kidney problems. She has a young son
to take care of who is living with her at her paternal home at Patna.
Further Maintenance Case No. 417(M) of 2015 filed by the petitioner is
already pending before the learned Principal Judge, Family Court,
Patna.



3. Learned counsel for the opposite party appears and opposes the petition for transfer as sought, pointing out at the outset that the petitioner did not appear before the learned Court at Darbhanga for reconciliation as observed by this Court in its order dated 23.12.2016 pursuant to which a number of dates were fixed by the learned Court below. It is further submitted that the opposite party is a medical practitioner at D.M.C.H. and would also face considerable difficulty in taking leave to attend the matrimonial case, if the same is transferred to Patna.

4. Having heard the parties and on a consideration of the materials on record, this Court is of the view that the balance of convenience lies in favour of the petitioner who claims to be suffering from various ailments and also has a child to take care of at Patna.

5. In the above circumstances let Matrimonial Suit No. 144 of 2014/549 of 2014 be transferred from the Court of learned Principal Judge, Family Court, Darbhanga to the Court of learned Principal Judge, Family Court, Patna.

6. The opposite party shall be at liberty to move the learned Court below for taking up the Matrimonial Case and Maintenance Case on the same dates for the convenience of the parties and to dispose of the cases expeditiously.

7. The petition stands allowed.

(Vikash Jain, J)



Chandran/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	14.09.2017
Transmission Date	N.A.

