

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.946 of 2017

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1. Kumari Aprajita, daughter of Sri Laxman Prasad, Wife of Sri Abhishek Sinha, resident of Mohalla- Kirtan Bhawan Road, Ward No.18, P.O. and P.S.- Madhubani, District- Madhubani.

.... Petitioner/s

Versus

1. Abhishek Sinha, son of Sri Bipin Bihari Prasad, resident of Raghubansh Apartment, Flat No.101, New Patliputra Colony, P.S.- Patliputra, District- Patna, Permanent address Mohalla- Siddharthpuri Road No.1, Abhinandan Manpur, P.S.- Manpur, District- Gaya, at present posted as P.O. in UCO Bank, Zonal Office, Surat, 206- Riddhi Shoppers, Opposite- Star Bazar, Adjan- Hazira Road, Surat, Gujrat, Pin No. 395009.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gopal Jha

For the Respondent/s : Mr. Satya Ranjan Sinha

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

7 29-01-2018 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The petitioner seeks transfer of the Matrimonial Suit No. 1064 of 2015 from the Court of Principal Judge, Family Court, Patna to the Court of Principal Judge, Family Court, Madhubani.

Learned counsel for the petitioner submits that the marriage has taken place at Gaya and the petitioner is presently a resident of Madhubani whereas the boy is having his job at Gujarat. The matrimonial case is pending at Patna which is seriously prejudicing the petitioner and she is being made to come to Patna to contest the matter. The petitioner came to know about



it only after substituted service of notice/publication was made in the newspaper and being a hapless lady with no finance of her own, it is difficult for her to pursue the matter at Patna. She thus, prays for transfer of the said case at Madhubani.

Learned counsel appearing on behalf of the opposite party, however, submits that it will be wholly against the interest of justice that the petitioner may have to come from Gujarat where he is engaged in U.C.O. Bank and go to Madhubani to pursue this litigation.

However, considering the entire facts and circumstances of the case and that the present case is one of restitution of conjugal rights, it would be appropriate and in the interest of justice that the Matrimonial Suit No. 1064 of 2015 be transferred to Madhubani where the petitioner is currently residing.

Learned counsel for the opposite party also submits that he is willing to make any compromise but, the same can only be settled before the appropriate Court.

As such, this Court considering the interest of wife and her convenience which is of paramount interest directs the transfer of Matrimonial Suit No. 1064 of 2015 from the Court of Principal Judge, Family Court, Patna to the Court of Principal



Judge, Family Court, Madhubani.

The application stands disposed of.

(Anjana Mishra, J)

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