

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.103 of 2013

In

Matrimonial Reference No. 111 of 2012

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Hemlata Kumari, wife of Santosh Kumar, Daughter of Late Jiwach Tiwary,
resident of village Ashnagar, P.S. Kanti, District – Muzuffarpur

.... Petitioner/s

Versus

Santosh Kumar, son of Lakhindra Singh, resident of village Khodadpur,
P.S. Madhuban, District East Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Adv.

For the Respondent/s : Mr. Ravi Ranjan, Adv.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

10 27-03-2018

Heard learned counsel for the petitioner and

learned counsel for the sole opposite party.

The present application has been filed on behalf of the petitioner for transfer of the Matrimonial Case No. 111 of 2012 filed by the sole opposite party against the petitioner which is pending in the Court of Principal Judge, Family Court, East Champaran, Motihari to the Principal Judge, Family Court, Muzuffarpur.

It is submitted on behalf of the petitioner that since she is now residing at Muzuffarpur with her brother and has got a small child, it is practically impossible for her to go to the distant place like East Champaran, Motihari for contesting the case as filed by the sole opposite party. It has also been submitted



that she has filed her Maintenance Case bearing Maintenance Case No. 30 of 2011 before the Principal Judge, Family Court, Muzuffarpur in which the sole opposite party has appeared. She, thus, prays that in view of the severe inconvenience being faced by her and also on account of paucity of funds to contest the matter at East Champaran, Motihari, the same may be transferred to the Court of Principal Judge, Muzuffarpur.

Mr. Ravi Ranjan, learned counsel for the sole opposite party submits that he is apprehensive that the petitioner will not co-operate in the case filed by him at Motihari if the same is transferred to Muzzufarpur.

However, in reply, learned counsel for the petitioner submits that his client will take all possible efforts to co-operate in the case so that the same may reach its logical conclusion.

Having considered the entire facts and circumstances of the case and taking into consideration the inconvenience of the petitioner, it is directed that Matrimonial Case No. 111 of 2012 pending in the Court of Principal Judge, Family Court, East Champaran, Motihari be transferred to the Court of Principal Judge, Family Court, Muzuffarpur. The records of the said case be also sent to the transferee Court within a period



of six weeks from the date of receipt/production of a copy of this order. Thereafter, the petitioner shall appear in the said case and ensure that it reaches its logical conclusion.

With the aforementioned observations, the MJC application stands allowed.

(Anjana Mishra, J)

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