

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3200 of 2016

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Rajrani @ Rajrani Kumari @ Putul Kumari W/o Rakesh Kumar, D/o Balram Sah Resident of Village- Rampur Road, Jamalpur, PO. Jamalpur, PS Gogri, District Khagaria, at Present residing in the Villge- Gandhigram PS Barari, District Katihar.

... .. Petitioner/s

Versus

Rakesh Kumar Son of late Yamuna Prasad R/o Village- rampur Road, Jamalpur, PO Jamalpur, PS Gogri, District Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 30-08-2018 The petitioner who is the wife of the opposite party has filed this application seeking transfer of the Guardian and Ward Case No. 06 of 2015 from the court of learned Principal Judge, Family Court Khagaria to the court of learned Principal Judge, Family Court, Katihar.

It is stated that the marriage between the parties were solemnized on 17.05.2011 and out of the said wedlock the petitioner has given birth to a child namely, Barun Kumar in the year 2012. She is an Assistant Teacher in Utkramit Middle School Parmanandpur, in the district of Araria. For various reasons stated in the application it is alleged that the petitioner was tortured by the family members of the opposite party and they were pressurizing to leave the job but when the petitioner



did not agree, the opposite party filed a matrimonial divorce case before the learned Principal judge, Family Court, Khagaria as also the Guardian Ward Case at Khagaria itself.

In course of argument learned counsel for the petitioner informed this Court that during pendency of this petition the Divorce Case has also been dismissed, therefore, the prayer with regard to transfer of the divorce case is not being pressed.

The petitioner has shown difficulty saying that being a lady in a job at Araria, her parents are residing at Katihar and in these circumstance without there being any help or man power, it would be difficult for her to go Khagaria from Araria on each and every date fixed in the case. The petitioner has further stated that her parents are also suffering from illness being old age person and they are unable to move and the petitioner having been deserted by her husband is also suffering mental agony and is unable to take such long journey to contest the case.

Even though the notice was issued to the sole opposite party, despite valid service of notice, he has not turned up to contest this case.

In these circumstances, this Court finds that the plea taken by the petitioner in the present application has remained



uncontested and the facts stated in the application are uncontroverted. In the given facts and circumstances, in the opinion of this Court, the Guardian and Ward Case No. 06 of 2015 is required to be transferred, it is ordered accordingly.

Let records of the case be transferred from the court of learned Principal Judge, Family Court, Khagaria to the court of learned Principal Judge, Family Court, Katihar within a period of 15 days from the date of receipt/production of a copy of this order.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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