

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1069 of 2017

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Jyoti Priya, Wife of Kumar Mukesh Singh, Daughter of Vijay Kumar Singh, Resident of Village- Maripur, A.R. Flat No. 10, P.S. Kaji Mohammadpur, P.O.- Muzaffarpur, District- Muzaffarpur.

.... Petitioner

Versus

Kumar Mukesh Singh, Son of Sri Kumar Shankar Singh, Resident of Village- Surujpur, P.S.- Piprakothi, P.O.- Jiwdhara, District- East Champaran.

.... Respondent

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Appearance :

For the Petitioner : Mr. Baxi S.R.P. Sinha, Sr. Advocate
For the Respondent : Mr. Anant Kr. Bhaskar, Advocate
Dr. Rajesh Kr. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date: 07-09-2018

Heard learned senior counsel for the petitioner and learned counsel for the opposite party.

The present application has been preferred for transfer of the Matrimonial Case No. 264 of 2016 from the court of learned Principal Judge, Family Court, Motihari, East Champaran to the court of learned Principal Judge, Family Court, Muzaffarpur.

Learned senior counsel representing the petitioner submits that since the petitioner has been deserted by her husband, she was living with her father at Muzaffarpur. The only daughter who was born out of the wedlock between the petitioner and the opposite party is



also studying at Muzaffarpur. Recently father of the petitioner died. Her mother had died earlier and therefore she is now living with her brother and pursuing the study of her daughter at Muzaffarpur. It is also submitted that she has no independent source of income and presently she is living on the little amount of maintenance which she is getting from the opposite party. It is further pointed out that one complaint case bearing No. 872/2016 and one Maintenance Case No. 129/2016 both brought at the instance of the present petitioner are pending consideration before the court at Muzaffarpur and the opposite party is appearing in those cases at Muzaffarpur.

It is further pointed out that the opposite party is serving in the Eastern Railway under Asansol Division, hence he is traveling to Muzaffarpur would be comparatively convenient to his travel to Motihari.

On the other hand, for traveling from Muzaffarpur to Motihari this petitioner, who has no other family member to accompany her, will be required to cover a distance of about 100 km. from one side which may be considered by this court as one of the hardships coming in her way in effectively contesting the matter at Motihari.

A counter affidavit has been filed on behalf of the opposite party which is available on the record. A perusal of the same confirms that he is paying Rs. 3000/- per month



to the petitioner as interim maintenance besides the school fee of his daughter. It is not denied that his daughter is studying at Muzaffarpur.

It is admitted in the reply that father of the petitioner has died recently on 15.09.2017. The only plea which has been taken in the reply is that the petitioner has her permanent resident of village - Kishunpur Parsauni, P.S. – Pipra under the District of East Champaran where she has a well-developed residential house and instead of staying there, there is no reason why she should stay at Muzaffarpur.

In the opinion of this court, the petitioner has been able to demonstrate that for her pursuing the matter at Motihari will be a cause of some hardship. This court considers her plea that she has a little daughter whose study is going on at Muzaffarpur and the petitioner has nobody in her family to accompany her at Motihari. In the opinion of this court, her hardship would definitely weigh over the inconvenience, if any, to be caused to opposite party by transferring the case at Muzaffarpur. The court is satisfied that this is a fit case in which the records be transferred to the court at Muzaffarpur.

This application is allowed.

Let the records of Matrimonial Case No. 264 of 2016 be transferred from the court of learned Principal



Judge, Family Court, Motihari to the court of learned Principal Judge, Family Court, Muzaffarpur within a period of 15 days from the date of receipt/production of a copy of this order.

(Rajeev Ranjan Prasad, J)

Rajeev/-

AFR/NAFR	
CAV DATE	
Uploading Date	07.09.2018
Transmission Date	

