

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3553 of 2017

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Swati Kumari, Wife of Pramit Bharti, Daughter of Shivnandan Prasad,
Resident of Village- Hussainabad, Police Station- Ariari, District-
Sheikhpura.

.... Petitioner

Versus

Pramit Bharti, Son of Anil Prasad, Resident of Village- Tulsi Niwas
Shahganj Road, Mahendra, P.S. Sultanganj, Distt. Patna-6, Village -
Khandpar, Near Mahto Kuan, Police Station- Sheikhpura, District-
Sheikhpura.

.... Respondent

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with

Miscellaneous Jurisdiction Case No.2791 of 2018

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Pramit Bharti, son of Sri Anil Prasad, posted at Unit No. AN32 T/F 12Wing
Air Force Station, Chandigarh, Behlana, P.S.-Sector-31, District –
Chandigarh (U.T.)

.... Petitioner

Versus

Swati Kumari D/o Shiv Nandan Prasad, resident of Village+P.S. –
Hussainabad, P.S.-Ariyari, District – Sheikhpura.

.... Respondent

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Appearance :

(In MJC No.3553 of 2017)

For the Petitioner/s : Mr. Devi Das Srivastava, Adv.

For the Respondent/s : Mr.

(In MJC No.2791 of 2018)

For the Petitioner/s : Mr. Indu Bhushan, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

5 17-09-2018 These two applications have been taken up together
for consideration and disposal with the consent of the parties.

In MJC No. 3553 of 2017, the petitioner is the wife
of one Pramit Bharti. She is seeking transfer of the Matrimonial
Case No. 774 of 2017 presently pending in the Court of learned
Principal Judge, Family Court, Patna to the Court of learned



Principal Judge, Family Court, Sheikhpura. She has raised several grounds for such transfer including that she has a ten months' old child in her lap which she has to nourish and it would not be possible for her to attend the proceeding at Patna. It is also submitted that for the present she is not getting single paisa as maintenance and for that reason, it is not possible for her to make journey from Sheikhpura to Patna and also to attend the Court on each and every date fixed in the matter.

MJC No. 2791 of 2018 has been preferred by Pramit Bharti (husband) who is seeking transfer of the T.S. Maintenance Case No. 46M of 2017 brought by this petitioner to the Court of learned Principal Judge, Family Court, Sheikhpura to the Court of learned Principal Judge, Family Court, Patna. His main plea is that the petitioner had not disclosed about her marriage with Vicky Kumar and she had played fraud upon this petitioner.

At the Bar, learned counsel for both the parties initially attempted to persuade this Court with their respective pleadings but as the proceedings went on, learned counsel for the parties agreed that in the interest of justice both the cases may be transferred to the Court of learned Principal Judge, Family Court, Nalanda at Biharsharif. This is also agreed that during the pendency of T.S. Maintenance Case No. 46M of 2017, in order to



enable the petitioner-wife to attend the Court at Biharsharif, the petitioner-husband would pay a sum of Rs.5,000/- per month as *ad-interim* maintenance and such payments shall be subject to final adjudication in the Maintenance Case. On this offer, being made on behalf of the petitioner-husband, learned counsel for the petitioner-wife has agreed for transfer of the T.S. Maintenance Case No. 46M of 2017 to the court at Biharsharif.

In the above view of the matter, let the records of Matrimonial Case No. 774 of 2017 pending in the Court of learned Principal Judge, Family Court, Patna and records of T.S. Maintenance Case No. 46M of 2017 pending in the Court of learned Principal Judge, Family Court, Sheikhpura be transferred to the Court of learned Principal Judge, Family Court, Nalanda at Biharsharif, within a period of 15 days from the date of receipt/production of a copy of this order onwards.

Learned counsel for the petitioner in MJC No. 2791 of 2018 has made a statement at the Bar that as soon as the Saving Account Number of the petitioner in MJC No. 3553 of 2017 is made available to him, the amount of *ad-interim* maintenance shall be credited for this month and same will be followed in the next month.

The petitioner-wife shall make available her Saving



Account Number to the petitioner-husband and, thereupon, he will start paying *ad-interim* maintenance without inordinate delay. Both the parties shall cooperate in disposal of the case at Bihar Sharif and no unnecessary adjournments shall be taken.

Both the applications stand disposed off in terms stated hereinabove.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/Ved/-

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