

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3853 of 2016

In

MA 167 of 2014

=====

Asha Kumari Wife of Manoj Kumar Das, Daughter of Yugeshwar Ram
resident of C/o Smt. Nirmala Narayan, Flat No.2/A, Konark Apartment,
Panchmukhi Hanuman Mandir, East Boring Canal Road, Patna, P.O.-
G.P.O., Patna, P.S.- Buddha Colony, District- Patna- 800001.

.... Petitioner/s

Versus

Manoj Kumar Son of Late Saryug Das Resident of Village- Bari Muhali,
P.S.- Mufassil, District- Munger. presently residing in Mohalla- Patel Nagar
(Behind Murarka Collage), Ward No. 19, Sultanganj, District- Bhagalpur-
813213.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Aditya Narayan Singh-I, Adv.

Mr. Ashok Kumar, Adv.

Mr. Bibhuti Saran Singh, Adv.

For the Opposite Party/s : Mr. Pankaj Kumar Sinha, Adv.

Mr. Kamal Kishore Sinha, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

5 07-09-2018

This application has been preferred seeking transfer
of the Miscellaneous Case No.167 of 2014 pending in the court of
learned Principal Judge, Family Court, Munger to the court of
learned Principal Judge, Family Court, Patna. The Miscellaneous
Case seems to have been filed for recall of the ex-parte judgment
and decree passed by the learned Principal Judge, Family Court,
Munger in the matrimonial divorce suit brought by the husband of
the petitioner.

Learned counsel representing the petitioner, in
course of argument, has informed this Court that presently the



evidence has already begun in the case and in fact the present petitioner has already been examined in the miscellaneous case.

Learned counsel representing the opposite party has opposed the prayer for transfer and submits that in the present circumstance when the evidence has already begun and petitioner has attended the court all through these years at this far end stage the case is not required to be transferred. Learned counsel for the opposite party, however, submits that the petitioner, in order to expedite the disposal of the miscellaneous case, undertakes to participate on the dates fixed in the matter without seeking any adjournment and unless there is some very urgent and cogent reason for such adjournment and he would pay some traveling expenses and paying expenses for the petitioner and her witnesses on the date fixed in the matter.

Having heard learned counsel for the parties, this Court is of the considered opinion that, at this stage, the case is not required to be transferred. The interest of justice would be served by directing the opposite party to pay a sum of Rs.500/- to the petitioner on the dates fixed in the matter whenever she or her witness goes to attend the case before the learned Principal Judge, Family Court, Munger. Such payment shall be made in presence of the learned Presiding Officer and the same will be entered into



the records. The learned Principal Judge, Family Court is also directed to ensure early disposal of the miscellaneous case preferably within a period of three months from the date of receipt/production of a copy of this order. No uncalled for adjournment be granted in the matter.

The application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Arvind/-

U			
---	--	--	--

