

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3265 of 2015

In
Matrimonial Reference No. 22 of 2014

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Dipti Kumari @ Kriti Kumari, W/o Dhirendr Goswami, Present R/o
Nawada Chouk Gali Near Madarsa West Nawada, P.s Nawada, District
Bhojpur(Ara)

.... Petitioner/s

Versus

Dhirendra Goswami, S/o Sri Baijnath Goswami, R/o Village Rahthua, P.s
Brahampur, District Buxar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Kumari Jyoti, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

10 29-08-2018 It appears that earlier notice was issued to the Opposite

Party which was received by his father. An affidavit showing

jointness of the Opposite Party with his father has been filed

before this Court. Thereafter, steps were also taken to procure

appearance of Opposite Party through the Superintendent of

Police, Buxar, but despite all efforts taken, the Opposite Party is

not putting his appearance.

The present application has been filed seeking transfer of
the Matrimonial Case No. 226 of 2014 pending in the Court of
learned Principal Judge, Family Court, Buxar to the Court of
learned Principal Judge, Family Court, Ara.

The petitioner has brought to the notice of this Court the
circumstances under which the petitioner is presently residing in



Ara with her widow mother and despite there being an order dated 08.07.2015 passed in Criminal Miscellaneous No. 41063 of 2013 by a learned Coordinate Bench of this Court, as contained in Annexure 3, the petitioner has not been paid the amount of Rs.1500/- even for a month.

Taking note of the aforementioned facts, which have remained uncontroverted, this Court would direct transfer of the Matrimonial Case No. 226 of 2014 pending in the Court of learned Principal Judge, Family Court, Buxar to the Court of learned Principal Judge, Family Court, Ara within a period of 15 days from the date of receipt/ production of a copy of this order.

Even though, this Court is sitting in its jurisdiction under Section 24 of the Code of Civil Procedure, the conscience of the Court would compel it to take note of one of the circumstances pleaded in the application saying that despite there being a judicial order of this Court in Criminal Miscellaneous No. 41063 of 2013 no amount has been paid even for a month.

On perusal of the order as contained in Annexure 3 shows that the provisional anticipatory bail of the Opposite Party was confirmed with a condition that he would pay Rs.1500/- per month instead of Rs.750/-. There is nothing on the record to show that the order as contained in Annexure 3 has been modified. The fact that despite all efforts taken by this Court, the Opposite Party is not



appearing strengthens the belief of this Court that he is not complying with the judicial order. Let this be brought to the notice of the learned Chief Judicial Magistrate, Bhojpur at Ara who will in turn bring it to the notice of the competent Court of the case being Ara Nawada P.S.Case No. 375 of 2012 is pending. The competent court shall look into this aspect of the matter and shall do the needful in accordance with law. This Court has taken note of this aspect of the matter and has brought this to the notice of the competent Court. It is to be taken as if this Court has brought a fact to the notice of the learned Court below where a judicial order of this Court is said to have been violated after confirmation of the anticipatory bail. It is expected that the learned Court below shall take appropriate steps within a period of 30 days from the date of receipt/communication of this order.

Let a copy of this order be sent to the Court of learned Chief Judicial Magistrate, Bhojpur at Ara.

The application is disposed off, accordingly.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

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