

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2833 of 2016

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Jyoti Kiran Kumari, Wife of Sri Manoj Prabhakar, Daughter of Arun Kumar, presently residing at Hazari Mohalla, P.S- Mahendiganj, District- Patna.

.... Petitioner/s

Versus

Manoj Prabhakar, Son of Sita Ram Pandit, Resident of Madhepura, Ward No. 20, P.S. and District- Madhepura.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhirendra Nath Jha, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 23-08-2018 Heard learned counsel for the petitioner and learned counsel for the sole Opposite Party.

This application has been preferred for transfer of the Matrimonial Case No.67 of 2016/63 of 2016 from the Court of learned Principal Judge, Family Court, Madhepura to the Court of learned Principal Judge, Family Court, Patna.

The sole Opposite Party has filed this petition seeking restitution of conjugal rights which is pending before the Family Court, Madhepura. The petitioner submits that the opposite party and his family members have no love and affection towards her and her life would be in danger while going to Madhepura to contest the case. It is further submitted that the father of the



petitioner is a government servant at Patna, she has got two brothers and three sisters who are studying at Patna and, therefore, nobody is there to accompany her from Patna to Madhepura on the dates fixed in the matter and, therefore, it would not be possible to contest the case at Madhepura. She also submits that she is totally unemployed having no source of income.

On the other hand, learned counsel representing the Opposite Party submits that in fact the Opposite Party is seeking restitution of conjugal rights and his intention is to restore the matrimonial rights but the petitioner is not cooperating with any restitution of conjugal rights.

Having heard learned counsel for the petitioner as also learned counsel representing the Opposite Party, this Court finds that the statements made in the application as regards the difficulties which are being faced by the petitioner in contesting the matter at Madhepura which is situated at a distance of about 170 Kms from one way has not been denied. It is not denied that the petitioner has no source of income and no man power to accompany her to Madhepura on the dates fixed in the matter.

In the given circumstance, this Court is of the opinion that the records of the Matrimonial Case No.67 of 2016/63 of 2016 be transferred from the Court of learned Principal Judge, Family



Court, Madhepura to the Court of learned Principal Judge, Family Court, Patna.

The application is allowed.

(Rajeev Ranjan Prasad, J)

Arvind/R.R.Ojha

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