

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.660 of 2017

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Lata Devi @ Kumari Lalita, wife of Ritesh Kumar and daughter of Sri Ramesh Mandal, resident of Village- Tarwa, P.O.- Dulduliya, P.S.- Pirpanti, District- Bhagalpur.

.... Petitioner

Versus

Hitesh Kumar, son of Sri Laxman Prasad Chourasiya, resident of Village Harda Bazar, P.S.- K-Hat, District- Purnea.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

4 20-11-2018

The petitioner is seeking transfer of Matrimonial Suit No. 112 of 2015 presently pending in the Court of learned Principal Judge, Family Court, Purnea to the Court of learned Principal Judge, Family Court, Bhagalpur.

Learned counsel for the petitioner submits that a matrimonial discord has taken place in the marriage between the parties which was solemnized on 03.03.2014. On 17.03.2015 the petitioner gave birth to a male child at Bhagalpur and since then she has been ignored and deserted by her husband (opposite party). The petitioner has filed a Maintenance Case as well in the Court at Bhagalpur and presently in the circumstances where she is living with her son at her father's place who is at a distance of



about 140 Km from Purnea from one side, it is not possible for her to put an effective contest at Purnea. Learned counsel also submits that the Maintenance Case brought by the present petitioner at Bhagalpur is also pending consideration as the steps for reconciliation taken between the parties in the said case failed to yield any good result.

On the other hand, learned counsel representing the opposite party submits that he has filed this case under Section 9 of the Hindu Marriage Act for restitution of his conjugal rights but it is the petitioner of the present case who is not willing to live with him and is rather indulging in the litigation.

In the given facts and circumstances of the case, where this Court finds that the petitioner with her 3 years old male child is living with her father at Bhagalpur which is at a distance of about 140 Km from one side to Purnea, she has claimed that there is no family member to accompany her from Bhagalpur to Purnea and that there is no source of income and even a Maintenance Case is pending at Bhagalpur, it would be in the interest of justice to take care of convenience of the petitioner in order to give her an opportunity to effectively contest the Matrimonial Case brought by her husband and for that purpose this Court is willing to transfer all the records of Matrimonial Suit



No. 112 of 2015 presently pending in the Court of learned Principal Judge, Family Court, Purnea to the Court of learned Principal Judge, Family Court, Bhagalpur.

Let the records of Matrimonial Suit No. 112 of 2015 be transferred from the Court of learned Principal Judge, Family Court, Purnea to the Court of learned Principal Judge, Family Court, Bhagalpur within a period of 15 days from the date of receipt/production of the copy of this order.

This application stands allowed as indicated above.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/Ved/-

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