

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3612 of 2017

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Madhup Madhumita Wife of Sri Abhishek Singh resident of Neel Kothi,
Purani Bazar, Lakhisarai, Post - Lakhisarai, P.S. - Lakhisarai, Pin Code -
811311, District - Lakhisarai, Bihar; presently residing at Madhukunj, Sri
Krishna Nagar Main Road, Patna - 800001.

.... Petitioner

Versus

Abhishek Singh Son of Sri Ashok Kumar Singh resident of Neel Kothi,
Purani Bazar, Lakhisarai, Post - Lakhisarai, P.S. - Lakhisarai, Pin Code -
811311, District - Lakhisarai, Bihar.

.... Respondent

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Appearance :

For the Petitioner/s : Mr. Nivedita Nirvikar, Adv.
For the Respondent/s : Miss Rashmi Bharti, Adv.
Mr. J.N. Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

5 10-09-2018 Heard learned counsel for the parties.

This application has been filed for transfer of
Matrimonial Case No. 14 of 2017 filed under Section 10 of the
Hindu Marriage Act, 1955 by the husband of petitioner in the
court of learned Principal Judge, Family Court, Lakhisarai to the
court of learned Principal Judge, Family Court, Patna. The
grounds set forth for transfer of matrimonial case are :-

(1). That the petitioner being a lady has already lost
her father and presently she is somehow managing her livelihood
living with her brothers at Patna.

(2). That the petitioner has a child aged about 2 ½



years only and at this age he/she requires sincere attention for the whole day and living him alone for a single day cannot be possible without facing hardship not only by requesting someone to take care of him for the day but also even emotionally and sentimentally contesting the issues with herself for whole day while traveling from Patna to Lakhisarai to attend the court.

(3). That the petitioner has no independent source of income and even though the opposite party has come out with a pleading that her father has allotted two flats in a multistoried building in Patna but these facts are not correct and no proof of this fact even *prima-facie* has been brought on record by the opposite party. For the present, she is getting only Rs. 5,000/- per month though recently she has been awarded a sum of Rs. 15,000/- per month towards her maintenance.

(4). Lastly it is submitted that in order to harass this petitioner, the mother-in-law and sister-in-law of the petitioner have filed two separate cases, one under the provisions of the Domestic Violence Act and the another under the provisions of the Indian Penal Code in the court at Lakhisarai. In this way the petitioner is being harassed by calling upon her to attend the several cases at Lakhisarai on one of the another date.

Contesting the submission of learned counsel



representing the petitioner, learned counsel on behalf of the opposite party submits that the petitioner is a well educated lady and she can manage her affairs very well. She is having enough resources in terms of her own share in her father's property and it is a fact that she has been getting some income from two flats which has been given by her father. It is submitted that the cases at Lakhisarai have been brought because of the alleged occurrence which took place but not with an intention to harass the petitioner.

Having heard learned counsel for the petitioner and the opposite party, the court is of the considered opinion that in the given circumstance where the petitioner is living presently with her brothers at Patna and she has got 2 ½ years old child to whom she is taking care and further that she has emphatically denied any independent source of income, this Court thinks it just and proper and in the interest of justice to transfer the records of the Matrimonial Case No. 14 of 2017 from the court of learned Principal Judge, Family Court, Lakhisarai to the court of learned Principal Judge, Family Court, Patna.

Let the records be transferred from the court of learned Principal Judge, Family Court, Lakhisarai to the court of learned Principal Judge, Family Court, Patna within a period of 15 days from the date of receipt/production of a copy of this order.



The application stands disposed off.

(Rajeev Ranjan Prasad, J)

Ved/-

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