

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.173 of 2017

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Rani Bharati @ Pratibha Bharati, W/o Bishnu Kant Prasad, D/o Ganga Prasad @ Sri Ganga Paswan, at present R/o Village- Khapura, P.S.- Kako District- Jahanabad.

.... Petitioner

Versus

Bishnu Kant Prasad, Son of Late Bakhori Paswan, R/o Village- Dhondri, P.S.- Ghosi, District- Jahanabad, at present residing at Gariban Tola, Gulabbagh, Ward No. 37, P.S.- Sadar, Dist.- Purnia.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

4 29-10-2018

This application has been preferred seeking transfer of Matrimonial Suit No. 189 of 2016 from the court of learned Principal Judge, Family Court, Purnia to the court of learned Principal Judge, Family Court, Jahanabad. The grounds set-forth for seeking transfer of the proceedings of the matrimonial suit are as under :-

(i) That the petitioner has been ousted from the matrimonial house in October, 2013 and is presently residing with her parents at Jahanabad.

(ii) The petitioner filed a maintenance case but in the said maintenance case the opposite party has not chosen to appear. In support thereof Annexure- 4 and 5 to the present application have been brought



on the record.

(iii) The petitioner has got two minor children and has no other support to travel from Jahanabad to Purnia on the date fixed in the matrimonial case and, therefore, it is not possible for her to put effective contest to the said matrimonial suit brought by her husband.

Despite service of notice on the opposite party, he has not appeared to contest the present application.

Considering the facts and circumstances of the case and the grounds which have been taken note of hereinabove, this Court is of the considered opinion that the Matrimonial Suit Case No. 189 of 2016 presently pending in the court of learned Principal Judge, Family Court, Purnia is required to be transferred to the court of learned Principal Judge, Family Court, Jahanabad in the interest of justice. The hardships which have been expressed to this Court are such that this Court is willing to grant the reliefs prayed in the present application.

This application is allowed. Let the records of Matrimonial Suit Case No. 189 of 2016 pending in the court of learned Principal Judge, Family Court, Purnia be transferred to the court of learned Principal Judge, Family Court, Jahanabad within a



period of 15 days from the date of receipt/production of a copy of this order.

(Rajeev Ranjan Prasad, J)

Arvind/Ved/-

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