

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2951 of 2017

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Shingla Prabha, Wife of Manoj Kumar, D/o Sitaram Paswan, Resident of Village- Pakari Pakohi, Police Station- Karja, Anchal- Marwan, District- Muzaffarpur, at present D/o Sitaram Paswan Rajni Nagar, Rajni Niwas, Post- Yusufpur, P.S.- Town Hazipur, Dist- Vaishali.

.... Petitioner/s

Versus

Manoj Kumar, S/o Bal Mukund Prasad, R/o Vill- Pakri Pakohi, Police Station- Karja, Anchal- Marwan, Dist- Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Paswan, Advocate.

For the Respondent/s : Mr. Raju Kr. Goswami, Advocate

Mr. Pramod kr. Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

5 24-09-2018 Heard learned counsel for the petitioner and the Opposite Party.

This application has been preferred seeking transfer of Guardianship Case No. 01 of 2013 filed by Opposite Party on 12.02.2013 pending in the Court of learned Principal Judge, Family Court, Muzaffarpur to the Court of learned Principal Judge, Family Court, Vaishali at Hajipur.

It is submitted that since Divorce Case is now going at Hajipur, it would be convenient for both the parties if this case which is in the nature of Guardianship Case is also transferred to the same Court.

A counter affidavit has been filed on behalf of the



Opposite Party in which a prayer made in the present application has been opposed. It is stated that the petitioner is working as an Assistant Professor, in Rajendra Agriculture University, Pusa, Samastipur and she is living there. It is also stated that the petitioner is not interested in living at Muzaffarpur and for the present the mother and the father of the Opposite Party are also suffering from different ailments and, their treatment is going on at Muzaffarpur and, thus, he has no option but to contest the case at Muzaffarpur only.

Going through the materials available on the record, this Court finds that the grounds set forth by the Opposite Party to reject the request of the petitioner are not good and cogent grounds. The Divorce Case has already been transferred to the Court at Hajipur and, therefore, this Court is of the opinion, that if this case is also transferred to the same Court, it will be convenient for both the parties in attending the proceedings. They can request the Court to fix one date in both the cases and the learned Principal Judge, Family Court, Vaishali at Hajipur shall consider the same taking note of the circumstances.

Let the records of the Guardianship Case No. 01 of 2013 pending in the Court of learned Principal Judge, Family Court, Muzaffarpur be transferred to the Court of learned Principal



Judge, Family Court, Vaishali at Hajipur 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)

R.R.Ojha.

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