

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4203 of 2016

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Rupa Kumari w/o - Sri Prabhat Kumar, D/o - Sri Mahesh Prasad Thakur
resident of village - Piar, P.S.- Piar, Distt. - Muzaffarpur at present residing
at village - Dhurbgama, P.S. - Kalyanpur, Distt - Samastipur.

... .. Petitioner/s

Versus

Prabhat Kumar s/o - Sri Vidha Sagar Thakur resident of village - Piar, P.S.
Piar, Distt - Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No-1
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 24-08-2018 To this Court it appears that both the parties are talking reasonably while making their prayers. While the petitioner has moved this Court seeking transfer of the maintenance case being Matrimonial Case No. 383 of 2014 from the court of learned Principal Judge, Family Court, Muzaffarpur to the court of learned Principal Judge, Family Court, Samastipur, learned counsel for the opposite party does not oppose the prayer for such transfer. Instead of opposing the prayer for transfer of the case while learned counsel for the opposite party submits that in order to make it convenient to the both sides, if the petitioner agrees, this Court may indicate that two other cases which have been brought by the petitioner in the court at Samastipur being Complaint Case No. 891 of 2013 and Maintenance Case No. 165 of 2013 be also fixed on the same



date when the Matrimonial Case is fixed in the court of learned Principle Judge, Family Court at Samastipur. Learned counsel for the petitioner submits that he would rightly agree to such a prayer being granted in favour of the opposite party because convenience of both the parties will be there if all the cases are fixed on the same and one day. It is then submitted that so far as Maintenance Case No. 165 of 2013 is concerned, because it is pending in the court of learned Principle Judge, Family Court, at Samastipur, the present case on transfer from the court at Muzaffarpur to Samastipur may be heard together with the Maintenance case by the learned Principal Judge, Family Court of Samastipur. However, so far as the Complaint Case No. 891 of 2013 is concerned, it is pending in the court of learned Judicial Magistrate Ist Class at Samastipur and for that both the parties would jointly request the court to fix the date taking note of the date fixed in the Matrimonial and Maintenance Cases.

In the given facts and circumstances of the case, this Court would direct transfer of the records of Matrimonial Case No. 383 of 2014 from the court of Principal Judge, Family Court, Muzaffarpur to the court of learned Principal Judge, Family Court, Samastipur within a period of 15 days from the date of receipt/production of a copy of this order.



The learned Principal Judge, Family Court, Samastipur is expected to take note of the aforementioned submissions and will fix both Matrimonial Case and the Maintenance Case on the same day. As regards the date fixed in the complaint case, this Court expects that the parties will request the learned Judicial Magistrate to fix a date with consent and the same will be considered by the learned Magistrate.

In the given circumstance stated hereinabove, this application stands disposed of.

(Rajeev Ranjan Prasad, J)

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