

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3399 of 2015

In

Matrimonial Reference No. 334 of 2014

=====

Kiran Kumari, wife of Shashi Kiran Kumar Chaudhary, Resident of Village- Sharifabad, P.O.- Atma, P.S.- Islampur, District- Nalanda. A/P- D/o Shri Dhrupdeo Chaudhary, P/Village- Maharajganj, P.S- Kutumba, P.O.- Maharajganj, District-Aurangabad. Presently posted as Teacher, High School, Risiap, P.O + P.S.- Risiap, District- Aurangabad.

.... Petitioner/s

Versus

Shashi Kiran Kumar Chaudhary, Son of Shri Brij Nandan Chaudhary, Resident of Village- Sharifabad, P.O- Atma, P.S.- Islampur, District- Nalanda, Presently Navin Nagar Kali Asthan, Hilsa, P.O. and P.S.- Hilsa, District- Nalanda.

.... Respondent/s

=====

Appearance :

For the Petitioner : Mr. Purushotam Sharma, Advocate

For the Opposite Party : Mr. Shailendra Jha, Advocate

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

4 12-07-2018 Heard learned counsel for the petitioner and the learned counsel appearing for the opposite party.

The petitioner seeks transfer of Matrimonial Case No.334 of 2014, which is pending in the court of the Principal Judge, Family Court, Nalanda at Biharsharif to the court of Principal Judge, Family Court, Aurangabad, on the ground that she is serving as a High School Teacher at Aurangabad and another Matrimonial Case No.03/2015 under Section 13 of the Hindu Marriage Act is also pending at Aurangabad between the parties.



It is submitted on behalf of the petitioner that since the petitioner is being severely prejudiced and is working as a High School Teacher, it is difficult for her to leave her place of work and go repeatedly to Nalanda to contest the matter and thus it would be appropriate and in the interest of justice that both the cases, which are more or less of similar nature and relate to the same disputes, be heard at the same place.

Learned counsel for opposite party submits that the petitioner has no paucity of fund and she can contest the same at Nalanda. It is further submitted by the learned counsel for the opposite party that the petitioner has no threat perception that could prevent her to contest the matter at Nalanda.

However, on perusal of the transfer application, it appears that the opposite party had serious differences with the petitioner, which necessitated her to leave her matrimonial home and go with her small child. Therefore, it is not possible for her to run from court to court to contest the matter.

Considering the entire facts and circumstances of the case and the exigency of the matter, this Court directs, in the interest of justice, that Matrimonial Case No.334 of 2014 pending in the court of the Principal Judge, Family Court,



Nalanda at Bihar Sharif be transferred to the court of Principal Judge, Family Court, Aurangabad.

The M.J.C. application thus stands allowed.

(Anjana Mishra, J)

PNM

U			
---	--	--	--

