

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1678 of 2017

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Manoj Kumar, son of Sri Dayanand Yadav, resident of Mohalla-Barmasiya, P.O.-
Katihar, P.S.-Katihar Muffassil, District-Katihar

.... Petitioner

Versus

Puja Devi, W/O Manoj Kumar, permanent resident of Mohalla-Barmasiya, P.S.-
Katihar Muffassil, District-Katihar, Present Address R/O Village-Mahendrapur,
P.S.-Sadar, Muffassil, District-Purnea

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Arun Kumar Mandal, Advocate

For the Opposite Party : Mr. Ranjit Kumar Singh, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

Date: 07-03-2018

Heard learned counsel for the petitioner and the learned
counsel appearing for the sole opposite party.

2. In the present application, the petitioner, who is
the husband, is seeking transfer of Maintenance Case No.44 of 2013
from the court of Principal Judge, Family Court, Purnea, District-
Purnea to the court of Principal Judge, Family Court, Katihar,
District-Katihar.

3. Learned counsel for the petitioner submits that a
series of litigations have been filed by the opposite party; some at
Katihar and others at Purnea. It is submitted that the parties have
been litigating since 2008 itself and the present maintenance case is
pending before the Principal Judge, Family Court, Purnea and the
depositions of the opposite party have already been made. He,



however, submits that in view of the fact that the two other criminal cases filed by the opposite party are pending at Katihar, the present maintenance case may also be transferred to Katihar, where the opposite party is residing. It is further submitted that the opposite party in her deposition in the maintenance case has submitted that she is living in a room of the house belonging to the petitioner, though her son is living in Katihar. Learned counsel for the petitioner further submits that since depositions are complete, if the case is transferred to Katihar where the petitioner is working, it would be too convenient and also in the interest of justice and would also facilitate the expedient disposal of the case. He thus prays that the aforementioned case be transferred from Purnea to Katihar.

4. Learned counsel appearing on behalf of the opposite party has placed stiff resistance to the present transfer, especially in view of the fact that the depositions have already been made by the opposite party and only after depositions of the petitioner, the case can be disposed of and the maintenance case may reach to its logical conclusion and thus it would not be in the interest of the opposite party to transfer the case.

5. However, after perusal of the entire materials on record and consideration of the fact that the opposite party is normally residing at Katihar in a room, which has been given by her



husband, it would be appropriate and in the interest of justice that the present case be also transferred to Katihar as such transfer would also be in her interest. It is directed accordingly.

6. It is further directed that after the ordersheet and the records of the case, bearing Maintenance Case No.44 of 2013, are received from the learned court of Principal Judge, Family Court, Purnea to the court of learned Principal Judge, Family Court, Katihar, the petitioner shall appear and shall move the court within a fortnight thereafter, for fixing a date for his own deposition. Thereafter, the Family Court at Katihar shall proceed to hear the matter fixing short dates and the same shall be disposed of within a period of four months thereafter.

7. It shall also be open to the opposite party to approach the Family Court at Katihar for expeditious disposal of the interim maintenance matter, which, as this Court is informed, is still pending in the Family Court at Purnea.

8. The application stands disposed of accordingly.

(Anjana Mishra, J)

PNM

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.03.2018
Transmission Date	NA

