

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3383 of 2016

In

C.Misc. 460 of 2016

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Dr. Shashi Kala, wife of Dr. Rudra Narayan Pandey and Daughter of Sri Ramesh Kumar Tiwary, Resident of – 532, Nehru Nagar, Patna-800013, P.S. – Patliputra Colony, Town + District – Patna.

.... Petitioner

Versus

Dr. Rudra Narayan Pandey, son of Dr. T.N. Pandey, Resident of Village – Ratanmala, P.O.+P.S.- Bagha, District – West Champaran.

.... Respondent

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Arun, Adv.

For the Opposite Party : Mr. Suraj Narain Sinha, Sr. Adv.

Mr. Vijay Kumar Singh No. I, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

8 17-09-2018 Heard learned counsel representing the petitioner and learned Senior Counsel representing the Opposite Party.

This application has been preferred seeking transfer of Matrimonial Case No. 184 of 2014, presently pending in the Court of learned Principal Judge, Family Court, Bettiah (West Champaran) to the Court of learned Principal Judge, Family Court, Patna, or to the Court of learned Principal Judge, Family Court, Vaishali at Hajipur.

Learned counsel representing the petitioner submits that the Opposite Party being the husband of this petitioner has brought the Matrimonial Suit seeking divorce in the Court of



learned Principal Judge, Family Court at Bettiah. The petitioner is presently residing with her parents at Patna, she is a practicing Doctor but has nobody in her family to accompany her to attend the Court at Bettiah on each and every date fixed in the matter. It is stated that the distance from Patna to Bettiah from one side is not less than 225 KM., therefore, for visiting her from Patna to Bettiah and then coming back after attending the Court proceeding, it is difficult to make it within a day and sometime she may be required to stay at Bettiah overnight. Learned counsel submits that in the given facts and circumstances of the case, the case may be transferred from Bettiah to Patna or at Hajipur.

Learned Senior Counsel representing the Opposite Party submits that the petitioner is well educated lady, she is a practicing Doctor and moves around all corner of the Country in connection with her practice. It is submitted that if the case is transferred from Bettiah to Patna or Hajipur, the Opposite party will be in difficulty as he will be required to travel all along for the said distance from one side, therefore, it is stated that the Matrimonial Case may be transferred to the Court at Muzaffarpur, which may be more convenient to the petitioner and the Opposite Party will also bear some difficulties but can conveniently attend the Court at Muzaffarpur and return back on the same date.



Having heard learned counsel for the petitioner and learned Senior Counsel for the Opposite Party, considering the facts and circumstances of the case, this Court is of the considered opinion that the offer made by the Opposite Party is a reasonable one. He is willing to move from Bettiah to Muzaffarpur which will be at a distance of about 150 KM. from one side. In such circumstance the petitioner who is also a practicing Doctor and for her moving from Patna to Muzaffarpur will not be much difficult.

Earlier this Court had vide its order dated 27.08.2018 called for a report from the Presiding Officer, Family Court, Bettiah, as to whether there is availability of video conferencing system as the court was considering the case of the petitioner with a view that if such facility would be available at Bettiah, she may depose herself and her witnesses may also depose through the video conferencing system but now the report is available from the learned District Judge, Bettiah. This Court has been informed that there is no video conferencing facility for case trial in Civil Court, Bettiah, and the only facility provided for video conferencing from Civil Court, Bettiah to Bettiah Jail is for the accused persons.

Weighing the materials available on record, this Court directs that the records of Matrimonial Case No. 184 of 2014 presently pending in the court of learned Principal Judge,



Family Court, Bettiah (West Champaran) be transferred to the Court of learned Principal Judge, Family Court, Muzaffarpur within a period of 15 days from the date of receipt/production of a copy of this order.

This application is allowed in terms indicated hereinabove.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/Ved/-

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