

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2202 of 2017

=====

Kamini Kumari W/o Manish Kumar Mishra resident of Village Hathsar,
P.S. Purnahiya, District Sheohar at present D/o Sarbjeet Jha residing at
Village Manik Chowk P.S. Runnisaidpur, District Sitamarhi.

.... Petitioner/s

Versus

Manish Kumar Mishra S/o Surendra Mishra resident of Village Hathsar
P.S. Purnahiya, District Sheohar.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Uday Kumar

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

5 20-11-2018 This application has been preferred seeking transfer

of the Matrimonial Case No. 22/16 (Manish Kumar Mishra vs.
Kamini Kumari) from the Court of the learned Principal Judge,
Family Court, Sheohar to the Court of learned Principal Judge,
Family Court, Sitamarhi.

Earlier when the attempt made to serve the Opposite
Party on his given address failed, this Court directed service of
notice through the learned counsel representing him in the Court
below. 'Flag-C' is the service report showing service of notice of
the learned Advocate representing the Opposite Party in the Court
below. Despite such service, no appearance has been made on
behalf of the Opposite Party in the present case.



Petitioner is seeking transfer of the Matrimonial Case No. 22/16 (Manish Kumar Mishra vs. Kamini Kumari) from the Court of the learned Principal Judge, Family Court, Sheohar to the Court of learned Principal Judge, Family Court, Sitamarhi on the grounds, inter alia, that she has no independent source of income, her parents are old aged persons suffering from several disease and the petitioner presently having no option is residing at Sitamarhi. It is also stated that there is no other active/supporting male member in her Naihar who can take her to participate in the judicial proceeding at Sheohar.

Learned counsel for the petitioner submits that because of the aforesaid implications, the petitioner is unable to put an effective contest to the divorce suit brought by her husband (Opposite Party) and if the records are not transferred to the Court at Sitamarhi, the petitioner is likely to suffer because she would not be able to contest the matter.

In the given facts and circumstances of the case, finding the reasons stated in the petition are in the nature of genuine difficulties expressed by the petitioner in contesting the case at Sheohar and despite an opportunity given to the Opposite Party to appear and contest the matter, nobody is appearing on his behalf and no appearance has been made in the case to controvert, this



Court is willing to transfer the case from the Court of the learned Principal Judge, Family Court, Sheohar to the Court of learned Principal Judge, Family Court, Sitamarhi.

This application is allowed.

Let the records of the Matrimonial Case No. 22/16 (Manish Kumar Mishra vs. Kamini Kumari) be transferred from the Court of the learned Principal Judge, Family Court, Sheohar to the Court of learned Principal Judge, Family Court, Sitamarhi within a period of 15 days from the date of receipt/production of a copy of this order.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/Ved-

U			
---	--	--	--

