

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2920 of 2017

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Anita Devi wife of Sri Mukesh Kumar Singh, daughter of Sri Ramayan Singh resident of Village- Balihar, P.S.- Simri, District- Buxar, at present residing in Village- Chakwath, P.S.- Bihiya, District- Bhojpur.

.... Petitioner

Versus

1. Mukesh Kumar Singh son of Sri Chandeshwari Singh resident of Village- Balihar, P.S.- Simri, District- Buxar.

2. Anand Kumar Singh son of Sri Ashok Kumar Singh, resident of Village- Balihar, P.S.- Simri, District- Buxar.

.... Respondents

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Appearance :

For the Petitioner : Mr. R.K. Sinha, Advocate
Mr. Gajendra Nath Ojha, Advocate
For the Respondents : Mr. Bachan Jee Ojha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5. 13-09-2018 Heard learned counsel for the petitioner as well as the opposite party.

The opposite party has not filed any reply.

Learned counsel for the petitioner submits that the petitioner is a lady having no member in her family to accompany from Bhojpur at Ara to Buxar on each and every date fixed in the matter.

It is also submitted that she has no independent source of income and the present divorce case has been preferred by the opposite party only to harass the petitioner.



On the other hand, learned counsel representing the opposite party submits that in fact the petitioner had deserted the opposite party who fled away with the uncle of the opposite party for which a complaint case bearing No. 1372(C) of 2014 is pending in the court at Buxar.

It is further submitted that as per the address mentioned in the cause title the petitioner is residing in village – Chakwath, P.S. – Bihiya, District – Bhojpur at Ara which is at equal distance from Buxar and Ara. It is submitted that for that reason the application does not deserve any consideration and it is fit to be dismissed.

Having heard learned counsel for the parties, this court is of the considered opinion that even if the distance from Bihiya to Buxar and Bhojpur at Ara is equal, considering the fact that the petitioner is lady having no member in her family to accompany her on each and every date fixed in the matter to the court at Buxar and then she has no any independent source of income as also not getting maintenance from the opposite party, this court would lean in favour of the petitioner.

This application is allowed.

Let the record of Divorce Case No. 250 of 2014 pending in the court of learned Principal Judge, Family Court,



Buxar be transferred to the court of learned Principal Judge,
Family Court, Bhojpur at Ara within a period of 15 days from the
date of receipt/production of a copy of this order.

Rajeev/-

(Rajeev Ranjan Prasad, J)

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