

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1186 of 2017

=====

Vinita Bharti @ Binita Bharti, Wife of Sri Arun Kumar, Daughter of Sri Ram Chandra Prasad Resident of Mohalla-Hasan Chak (Pirbabamajar), Naka No.-3, P.S.-Darbhanga Town, District-darbhang.

.... Petitioner/s

Versus

Arun Kumar Son of Late Rajendra Prasad @ Rajendra Choudhary Resident of Village-Jarua, Near Mamu-Bhanja major, Ganga Bridge, P.S.-Ganga Brige, Hajipur, P.O.-Hajipur, District-Vaishali Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Manish Kumar No. 13, Adv.
Mr. Rohit Kumar, Adv.

For the Opposite Party/s : Mr. Anil Kumar, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 29-08-2018

Present application has been filed seeking transfer of Matrimonial Divorce Case No.157 of 2015 from the court of learned Principal Judge, Family Court, Vaishali, Hajipur to the court of learned Principal Judge, Family Court, Darbhanga.

Learned counsel for the petitioner submits that in fact the petitioner has brought one maintenance case at Darbhanga and has also filed a matrimonial case seeking restitution of conjugal rights in the court of learned Principal Judge, Family Court at Darbhanga. It is stated that the petitioner has been receiving threats from the opposite party and for that even a criminal case being Hajipur Town P. S. Case No.548 of 2016 has been registered against the opposite party wherein this petitioner has narrated how she was brutally beaten by the opposite party and his family members when she went to her matrimonial home on



07.08.2016. She has prayed for transfer of the case for the reasons stated in her application.

A counter affidavit has been filed on behalf of the opposite party. There are counter allegations against the petitioner. It is stated that on the complaint made by the petitioner to the Chief Vigilance Officer, Delhi and all senior concerned officers of the C.P.W.D. a case has been registered by the C.B.I. (A.C.B.) Patna against the opposite party. It is further stated that another complaint case has been lodged at Darbhanga. He has further denied that there is any threat to the petitioner in putting appearance in the court of learned Principal Judge, Family Court at Hajipur. It appears that the opposite party has also lodged a criminal case being Hajipur Mahila P.S. Case No.42 of 2016 against the petitioner and others on 07.08.2016. The opposite party has further brought to the notice of this Court that the petitioner is a working lady and holds a government job and since the time of marriage she never stayed at her matrimonial home.

On a query made by this Court, learned counsel for the petitioner informs this Court that the petitioner is presently working in a Block near Laheriasarai. However, learned counsel for the opposite party has not disclosed the present place of posting of the opposite party. It appears that while filing the



counter affidavit also the present place of posting of the opposite party has not been disclosed and that leads a belief in the mind of this Court that the opposite party has purposely withheld his present place of stay and posting.

In the given facts and circumstances of the case where the petitioner and opposite party both have disclosed about a number of cases which they are fighting against each other and it is not in dispute that the petitioner has filed a case seeking restitution of conjugal rights and maintenance in the court of learned Family Judge, Darbhanga, this Court is of the considered opinion that this matrimonial suit being Divorce Case No.157 of 2015 be also transferred to the court of learned Principal Judge, Family Court, Darbhanga where the Divorce Case and the matrimonial case brought by the petitioner for restitution of conjugal rights may be heard together and it will also avoid conflicting judgments in two different cases.

Let the records of the matrimonial case being Divorce Case No.157 of 2015 be transferred from the court of learned Principal Judge, Family Court, Vaishali at Hajipur to the court of learned Principal Judge, Family Court, Darbhanga within a period of fifteen days from the date of receipt/production of a copy of this order.



The application stands disposed of.

(Rajeev Ranjan Prasad, J)

Arvind/-

U			
---	--	--	--

