

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1762 of 2017

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Minakshi Kumari, wife of Rishikesh Kumar, Daughter of Sri.Umesh Prasad Chaudhary, presently resident of Mohalla- Baikuthpuri, Aishwarya Lok, near Bairiya Bus Stand, Police Station- Ahiyapur in the District of Muzaffarpur.

.... Petitioner/s

Versus

1.Rishikesh Kumar, son of Ram Bilas Singh, resident of Qaurter No. 12D/12, West Anandpuri, Boring Canal Road, Police Station – Sri. Krishnapuri in the District of Patna.
2.Umesh Pd.Choudhary, S/o Late Bashishta Narain Choudhary.
3.Saket Suman, S/O Sri. Umesh Pd. Choudhary.
Both R/o Mohalla- Baikunthpur, Ashray Lok, Near Bairiya Bus Stand, P.S- Ahiyapur, Dist- Muzaffarpur.

.... Opposite Party/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 29-08-2018 This application has been filed for transfer of Matrimonial Case No. 336 of 2017 pending in the Court of learned Principal Judge, Family Court, Patna to the Court of learned Principal Judge, Family Court, Muzaffarpur.

The husband who is Opposite Party No. 1 in the present case has brought the Matrimonial Case under Section 9 of the Hindu Marriage Act, 1955 seeking restoration of his conjugal rights with the present petitioner. He is said to be working as a Manager in the Axis Bank and is presently posted at Mumbai. The petitioner is presently living at Muzaffarpur with her father who is a retired Bank employee.



It is the case of the petitioner that the Opposite Party No.1 has not treated her well after marriage, there are several allegations of torture and committing acts of cruelty against the Opposite Party No.1. It is stated that the petitioner has no independent source of income, she has brought a Maintenance Case also at Muzaffarpur but the Opposite Party No.1 is not putting his appearance there. One of the grounds taken for transfer of the case is that the petitioner has a daughter aged about one and half year and there being no male member in the family to accompany this petitioner to visit the Court at Patna on the date fixed in the matter, she finds it difficult to contest the matter at Patna. It is submitted that it will make no difference for the Opposite Party No.1 if the records are transferred to the Court at Muzaffarpur.

Learned counsel for the petitioner has made a categorical statement that if the petitioner is willing to live with Opposite Party No.1, she is in favour of restoration of conjugal rights, but then it is the Opposite Party No.1 who is not taking steps towards restitution of conjugal rights.

It is stated at the Bar that the petitioner is willing to receive the Opposite Party No.1 whenever he visits Muzaffarpur in her house and on such visits the petitioner will come out with



all hospitality towards the Opposite Party No.1 in order to restore the conjugal rights. This statement has been made at the Bar on instruction from the petitioner to say that she is interested in restoration of the conjugal rights.

Having heard learned counsel for the parties, taking note of the difficulty faced by the petitioner in visiting Patna and the statement made on her behalf that she would be receiving the Opposite Party No.1 on his visit to her house at Muzaffarpur and shall provide all hospitality and shall move towards restoration of conjugal rights, this Court is willing to transfer the records of Matrimonial Case No.336 of 2017 to the Court of learned Principal Judge, Family Court, Muzaffarpur.

Let the records be transferred, accordingly, within a period of 15 days from the date of receipt/production of a copy of this order. It is made clear that the petitioner shall not commit breach of statements made on her behalf by learned counsel before this Court and shall comply with the same.

The application is disposed off, accordingly.

(Rajeev Ranjan Prasad, J)

R.R.Ojha.

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