

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2904 of 2017

=====

Priya Shukla, W/o Amit Kumar Tiwari @ Amit Kumar and D/o Sri Pankaj Kant Shukla @ Anil Shukla at present resident of Anil Shukla Complex, Ganesh Cinema Road, P.S. - Hajipur Town, P.O. - Hajipur, District - Vaishali.

.... Petitioner/s

Versus

Amit Kumar @ Amit Kumar Tiwari S/o Sri Narmadeshwar Tiwari residing at Shivpuri, Naga Road, Raxaul, P.S. - Raxaul, District - East Champaran (Bihar).

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Amit Kumar Tiwari (In Person)

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

5 22-11-2018 This application has been preferred seeking transfer of the Matrimonial Case No.267 of 2017 pending in the court of learned Principal Judge, Family Court, East Champaran at Motihari to the court of learned Principal Judge, Family Court, Vaishali at Hajipur.

Learned counsel for the petitioner submits that the opposite party being the husband of the petitioner has brought the Matrimonial Case at Motihari under Section 13 of the Hindu Marriage Act, 1955. It is submitted that the petitioner was earlier subjected to cruelty and torture as a result of which she came back to her parents' place where she is residing since the year 2016. It is submitted that the petitioner is living with her parents at Hajipur



having no source of income and she is totally dependent upon her parents. It is also submitted that the petitioner being a lady is unable to move alone to Motihari and to attend the court in the aforesaid matrimonial case, therefore, in the given circumstance, it is not possible for her to contest the charges leveled against her in the divorce petition by her husband.

The opposite party has himself entered appearance and has made submissions before this Court. He admits that presently the petitioner is living with her parents at a place which is nearby Hajipur court. He has however expressed his own difficulties in attending the cases at Hajipur, but at the end when he found that the other two cases lodged by the petitioner against him are also pending consideration at Hajipur, he agrees that this case may also be transferred to Hajipur, but the learned Principal Judge, Family Court, Hajipur be directed to consider his convenience as well while granting dates in this case.

This Court finds that while the request of the petitioner to transfer the matrimonial case is fit to be considered and is allowed for the reasons recorded hereinabove in form of her submissions, at the same time the convenience of the opposite party may also be taken care of. The learned Principal Judge, Family Court, Hajipur shall while fixing the date in the



matrimonial case shall consider the requested date of the opposite party which may be the same date fixed in the criminal case against him and to that extent this Court expects that his request shall definitely be considered so that he may also get some relief from being harassed by attending the court in different cases on the different dates in the same court premises.

This application is, therefore, allowed. Let the records of Matrimonial Case No.267 of 2017 pending in the court of learned Principal Judge, Family Court, East Champaran at Motihari be transferred to the court of learned Principal Judge, Family Court, Vaishali at Hajipur within a period of fifteen days from the date of receipt/production of a copy of this order. The observations of this Court as regards the convenience of the opposite party shall also be kept in mind by the learned Principal Judge, Family Court, Vaishali at Hajipur and no unnecessary adjournment shall be granted in this case.

It is expected that the matrimonial case be disposed off within a period of nine months from the date of receipt/production of a copy of this order.

(Rajeev Ranjan Prasad, J)

Arvind/-

U			
---	--	--	--

