

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1661 of 2018

Shyama Devi @ Shyama Kumari, W/o Amit Kumar D/o Gowardhan Raut,
R/o Mohalla- Daulatpur, Dariyapur, P.O.- Jamalpur, P.S- Jamalpur, District-
Munger.

... .. Petitioner/s

Versus

Amit Kumar, S/o Kishore Ram, R/o Mohalla- Murli Hill Telbigha, Station
Road, P.S.- Kotwali, District- Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Rina Sinha

For the Opposite Party/s :

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date : 20-11-2018

Heard learned counsel for the parties.

2. This application has been preferred seeking transfer of Matrimonial Title Suit No. 95 of 2017 presently pending in the court of learned Principal Judge, Family Court, Gaya to the court of learned Principal Judge, Family Court, Munger.

3. Learned counsel appearing on behalf of the petitioner, at this stage, informs this Court that initially the matrimonial title suit was filed under Section 9 of the Hindu Marriage Act by the respondent-husband but during the pendency of the said suit, the matrimonial suit has been converted in a suit seeking a decree of divorce. This part of the submissions has been contested by the learned counsel representing the opposite party, who has stated before this Court that the opposite party is looking only for restitution of the



conjugal right and is still willing to go for a reconciliation/mediation through the court attached councillor or mediator.

4. Be that as it may, so far as the present case is concerned, it has been filed seeking transfer of case from the Family Court, Gaya to the Family Court, Munger on the grounds, *inter alia*, that after marriage between the parties, one female child was borne on 25.07.2016 and thereafter the petitioner along with her female child has been left unattended and presently, they are living with the parents of the petitioner. It has also been submitted that the petitioner has no independent source of income and for her day-to-day expenses also, she is depending on her father, who is poor and elderly person not having good health. Learned counsel submits that in these circumstances, it would not be possible for her to visit the Family Court at Gaya, covering a distance of over 100 Kms. from one side.

5. Learned counsel representing the opposite party has contested the submissions of learned counsel for the petitioner. As stated above, his whole submissions are centred around for a reconciliation, which he is looking for.

6. The Court, while considering the prayer of this



petitioner, is willing to accept the ground set forth by the petitioner for the purpose of transfer of the matrimonial suit to the court of learned Principal Judge, Family Court, Munger. In the circumstance, in the opinion of this Court, it would be in the interest of justice to transfer the proceeding of the Matrimonial Title Suit No. 95 of 2017 pending in the court of learned Principal Judge, Family Court, Gaya to court of learned Principal Judge, Family Court at Munger. This application is, therefore, allowed and disposed of.

7. Let the records be transferred within a period of 15 days from the date of receipt/production of a copy of this order.

8. Needless to say that after transfer of the records in the court of learned Principal Judge, Family Court, Munger, one more attempt shall be taken by the Presiding Officer of the Family Court to see if an amicable settlement between the parties is possible. For such amicable settlement, endeavour shall be made to get the benefit of counsellor, if any, attached to the court or of a mediator attached with the court.

(Rajeev Ranjan Prasad, J)

sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

