

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2277 of 2017

=====

Anita, wife of Rakesh Kumar, Resident of Road No.02, Friend's Co-operative Colony, P.O.- Ashiana Nagar, P.S.- Rajiv Nagar, Patna-800025.

... .. Petitioner/s

Versus

1.Rakesh Kumar, Son of Late. Dhanesh Prasad Gupta, Presently Resident of Katihar Medical College Campus, P.S.- Muffasil Katihar, District- Katihar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sanjay Sinha

For the Opposite Party/s : Mr.Praveen Kumar

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

- 4 04-04-2019 1. Heard learned counsel for the parties. The present application has been filed wife of opposite party namely Rakesh Kumar for transfer of Matrimonial Case No. 1057 of 2014 pending before the Court learned Principal Judge, Family Court, Katihar to the Court of learned Principal Judge, Family Court, Patna.
2. Learned counsel appearing on behalf of the petitioner submits that the parents of the couple are based at Patna and marriage was solemnized on 30.04.1999 in accordance with Hindu customs and rituals. The opposite party has filed Matrimonial Case No. 1057 of 2014 at Katihar which is inconvenient for this petitioner as she is staying at Patna and she has to take care of her children at Patna.
3. Learned counsel appearing on behalf of the



opposite party does not dispute the fact that the marriage was solemnized at Patna. However, learned counsel for the opposite party denies the fact that petitioner was earlier residing at Patna.

4. Learned counsel for the opposite party submits that since one case of Guardianship is also pending in the Court of Principal Judge, Family Court, Katihar, therefore, it would be appropriate to hear both the case together.

5. Considering the submission of the learned counsel for the opposite party, about pendency of Guardianship case, the Court is of the view that if so advised opposite party raise issue of transfer of Guardianship Case by filing proper application before the appropriate Court.

6. In view of the above the Court is constrained to allow the present application and direct transfer the Matrimonial Case No. 1057 of 2014 pending before the Court learned Principal Judge, Family Court, Katihar to the Court of learned Principal Judge, Family Court, Patna.

7. The Principal Judge, Katihar is directed to transfer all the record of Matrimonial Case No. 1057 of 2014 to the Court of Principal Judge, Family Court Patna, within a period of 15 days from the date of receipt/production of a copy of this order. The transferee Court namely the Principal Judge, Family



Court, Patna is directed to decide the Matrimonial Suit No. 1057 of 2014 on priority basis preferably within a period of six months from the date of receipt of record from the Court of Principal Judge, Family Court, Katihar.

8. With the aforesaid, the present application stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

T.Kr./-

U			
---	--	--	--

