

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29874 of 2018

Arising Out of PS. Case No.- Year-1111 Thana- District-

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Ritesh Kamal Son of Mahendra Prasad, Resident of Vijaynagar, Road No. 3,
Hanumannagar, P.S.- Patrakarnagar, Kankarbagh, Distt.- Patna- 800026.

... .. Petitioner/s

Versus

1. State of Bihar
2. Sulekha Kumari, Daughter of Vijay Prasad, presently resident of village-
Barnama, P.O.- Gopalpur, P.S.- Warisaliganj, District- Nawada.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashwani Kumar Tiwary
For the Opposite Party/s : Mr.Sri Abhay Kumar - 1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

8 23-04-2019 The petitioner has preferred this application for transfer

of Maintenance Case No. 65 of 2017 form the Court of Principal

Judge, Family Court, Nawada to Principal Judge, Family Court,

Patna.

The ground for transfer is that the petitioner is a

handicap by 50 percent and his liability on his father and as such it

is not possible for him to go to Nawada on all the dates and make

pairvi or examine himself and others. His father is above 70 years

old and he is also unable to move with the petitioner.

Heard learned counsel for the opposite party no.2 also,

who has admitted this fact that the petitioner is handicap, but

shows her inability to come to Patna on each and every dates and

the opposite party no.2 has no source of income of her own to bear



the expenses, however, after some arguments, opposite party no.2 is ready for transfer of case if the genuine expenses will be borne by the petitioner in this case.

In such view of the matter and specially considering the fact that petitioner is a handicap by 50 percent, this application for transfer is allowed and the Maintenance Case No. 65 of 2017 is directed to be transferred from the court of Principal Judge, Family Court, Nawada to the Principal Judge, Family Court, Patna on the condition that petitioner will pay Rs. 1000/- for each date as expenses of the opposite party no.2 or her witnesses to be examined in the court. Both the parties will cooperate in disposal of the case. At the same time, Principal Judge, Family Court, Patna is also directed to dispose of this case within a period of nine months after receipt of the record and appearance of the parties and also ensure the payment of cost to the opposite party no.2 for her appearance and for her witnesses on each dates.

Accordingly, Principal Judge, Family Court, Nawada is directed to transmit the record of Maintenance Case No. 65 of 2017 to the court of Principal Judge, Family Court, Patna at once.

With the above observations, this application is allowed.

(Vinod Kumar Sinha, J)

Amjad/SKSuman.

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