

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.844 of 2018

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Farhana Tabassum Wife of Md. Iqbal Zafar, Daughter of Md. Serajuddin,
Resident of Village- Rewarah, P.O.- Chakand, P.S.- Belaganj, Dist- Gaya.

... .. Petitioner/s

Versus

Md. Iqbal Zafar Son of Md. Asim Zafar, Resident of Mohalla- Ansar Nagar
Nawadah, P.O.- Nawadah, P.S.- Bundelkhand, District- Nawadah.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar
For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 04-04-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the opposite party.

The petitioner has filed the present application for transfer of Title (Divorce) Suit No. 383 of 2017 pending in the Court of Principal Judge, Family Court, Nawadah to the Court of Principal Judge, Family Court, Gaya.

Learned counsel for the petitioner submits that the husband-opposite party has filed Title (Divorce) Suit No. 383/2017 under Section 307 of the Mohammadan Law for dissolution of the marriage and for grant of decree of divorce. Counsel further submits that the marriage took place at Gaya but soon after the marriage the petitioner was subjected to torture by the opposite party and his family members. The petitioner has been driven out from the matrimonial house and as such the



petitioner filed Miscellaneous Case No. 07 of 2017 for maintenance under Section 125 of the Code of Criminal Procedure. Since the petitioner is residing at Gaya and the present case has been filed by the husband at Nawada, it is inconvenient for the petitioner to attend the Court there. In several paragraphs of the application the petitioner has mentioned about the threat perception.

Learned counsel for the opposite party submits that the opposite party has no objection in the transfer of the case. He only wants the case to be disposed of at the earliest.

Considering the aforesaid, the present application is allowed. Title (Divorce) Suit No. 383/2017 pending in the Court of the Principal Judge, Family Court, Nawadah is hereby directed to be transferred to the Court of the Principal Judge, Family Court, Gaya. The Principal Judge, Family Court, Nawadah is directed to transfer the records of Title (Divorce) Suit No. 383 of 2017 to the Court of the Principal Judge, Family Court, Gaya within a period of 15 days from the date of receipt/production of a copy of this order and the transferee Court i.e. Principal Judge, Family Court, Gaya is directed to dispose of the Title (Divorce) Suit No. 383/2017 at the earliest preferably within a period of six months from the date of receipt



of the record from the court of the Principal Judge, Family Court, Nawadah.

With the aforesaid the transfer petition stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

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