

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.413 of 2021**

Nikita Bhadani @ Nikita Lohani D/o Prabhat Kumar Lohani, Wife of Bhanu Kumar Bhadani, Resident of Mohalla-Dalhatta Palnauf, P.S. Malsalami, District-Patna.

... .. Petitioner/s

Versus

Bhanu Kumar Bhadani Husband of Nikita Bhadani Resident of Mohalla-House No.45 Tekari Road, Purani Godown, gaya, P.S. Kotwali, District-Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Mani Bhushan Kumar
For the Respondent/s : Mr.Satya Veer

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 02-12-2021 Learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the parties.

The present civil miscellaneous application has been filed for transfer of M.T.S.Case No. 221 of 2017, which is a divorce case filed on behalf of the respondent against the petitioner, from the court of Principal Judge, Family Court, Gaya to the court of Principal Judge, Family Court, Patna. The petitioner has mentioned in her petition that she has got one sister (already married) and one brother, who is studying in Bangalore and her father is aged about 70 years, unable to move. Further ground is that the respondent threatens her when



she went to Gaya to make *pairvi* in the divorce petition. She has also mentioned that she has no source of expenditure to meet the expenses of divorce case. Lastly, a prayer has been made to transfer the case to the court of Principal Judge, Family Court, Patna for the sake of convenience of the petitioner.

Learned counsel for the respondent has submitted that the petitioner in paragraph no. 7 has mentioned that she is apprehending threat at the hands of the respondent. Similar apprehension of threat will be to the respondent if the case is transferred in the court of Principal Judge, Family Court, Patna.

In reply thereof, learned counsel for the petitioner has submitted that already two case are running in Patna. The first case is under section 498A of the IPC and the second one is for maintenance under Section 125 of the Cr.P.C.

Considering the facts that two cases are already running in Patna City Court and the petitioner is facing hardship in pursuing the case at Gaya, the M.T.S.Case No. 221/2017 is ordered to be transferred from the Principal Judge, Family Court, Gaya to the Principal Judge, Family Court, Patna.

The application is accordingly allowed.

Office shall ensure that all defects are removed by the petitioner within the stipulated time provided in para 1



hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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