

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.842 of 2021

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Smt. Nidhi Mishra W/o Ripu Sudan Kumar, D/o Sri Thakur Mishra, resident of rented house of Birendra Yadav, Patel Nagar, Gandhi Murti, Road No. 1, P.S. - Shastri Nagar, Dist. - Patna - 800023.

... .. Petitioner/s

Versus

Ripu Sudan Kumar S/o Sri Shailendra Pathak, resident of Village - Ismailpur, P.O. - Aima Chauki, P.S. - Khizar Sarai, Dist. - Gaya, A/P Posted as Technical Assistant, Veracity Control, Divisional Office F.C.I. (Food Corporation of India) Anugrah Bhavan, Janha Bhota Mahrana Pratap Chauk, 2nd floor, Yamaha Show Rood, Bilas Pur, (Chhatisgarh) - 495001.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Mohan
For the Opposite Party/s : Mr.Arvind Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 21-06-2022 Heard the parties.

The petitioner has prayed for transfer of Matrimonial Title Suit No. 345 of 2019 from the court of Principal Judge, Family Court, Gaya to the Principal Judge, Family Court, Patna.

Learned counsel appearing for the petitioner submits that the petitioner has filed Maintenance Case No. 113 of 2020 pending in the Court of Principal Judge, Family Court, Patna. It is further submitted that she is not being paid any maintenance amount and litigation expenses by the sole Respondent.

It is directed that the Maintenance Case No. 113 of 2020 pending in the Court of Principal Judge, Family Court, Patna shall be decided by the Principal Judge, Family Court,



Patna within a period of three months from today.

The opposite party will pay Rs. 10,000/- (Ten Thousand) per month to the petitioner during the pendency of the aforesaid matrimonial case. The aforesaid maintenance amount shall be transferred by the opposite party in the bank account of the petitioner by the 10th day of each month. The maintenance amount for the month of June, 2022 shall be paid by the 10th of July, 2022. Details of the bank account of the petitioner shall be furnished by the petitioner to the opposite party.

Considering the facts of the case, this Matrimonial Title Suit No. 345 of 2019 is directed to be transferred in the Court of Principal Judge, Family Court, Patna from the Principal Judge, Family Court, Gaya.

After transfer of the case in the Court of Principal Judge, Family Court, Patna, the Principal Judge, Patna will issue notice to both the parties and, thereafter, the proceeding of the aforesaid matrimonial case will continue in the Court of Principal Judge, Family Court, Patna.

It has come to the notice of this Court that the Family Courts in Bihar are taking the maintenance cases very lightly. They are proceeding with the maintenance cases as they are



proceeding with the title suits. The Family Courts should give preference to the cases filed for maintenance and it should be decided expeditiously. Though, the Family Courts have been made aware of the judgment of the Hon'ble Apex Court passed in the case of ***Rajnish vs. Neha & Ors. [(2021) 2 SCC 324]***, but this judgment has also not been followed by most of the Family Courts in Bihar.

With the aforesaid observation and direction, this application is allowed.

(Sandeep Kumar, J)

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