

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.257 of 2021

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Tabassum Fatma @ Tabassum Fatima @ Tabassum Fatama, Daughter of Md. Zainul Haque and Wife of Fakhruddin Ali Ahmad, Resident of House No. 31, Shah Colony, P.S.-Alamganj, Sampatchak, District-Patna.

... .. Petitioner/s

Versus

Fakhruddin Ali Ahmad, Son of Md. Rahmatullah, Resident of Village-Saratha, P.S.-Dhaka, District-East Champaran, at present Section Officer (XLM), XPD Division, Shastri Bhawan, Ministry of External Affairs, New Delhi, PIN-110001.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Shambhu Sharan Sharma
		Mr. Mrinal Mohan
For the Opposite Party/s :		Mr. Rakesh Kumar No.1

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL JUDGMENT

Date : 05-08-2022

Heard the parties.

This application has been filed for transfer of Divorce Case No. 460 of 2019, filed by the Opposite Party against the petitioner, pending before learned Principal Judge, Family Court, Motihari, East Champaran to the learned Principal Judge, Family Court, Patna.

It has been submitted by learned counsel for the petitioner that the marriage between petitioner and opposite party was solemnized on 22.12.2003 as per the Muslim rites and rituals at Biharsharif, District- Nalanda and shortly after the marriage, the opposite party and his family members started



demanding dowry from the petitioner and when she expressed her inability to fulfil the demands, the petitioner was being tortured and harassed by her husband and in-laws.

It has also been submitted by learned counsel for the petitioner that it is not possible for the petitioner to travel to Motihari and come back to Patna after attending the court proceedings in one day and the petitioner being the mother of two minor school going children, she has to attend their wellbeing as well. it is very difficult for her to appear in the Family Court, Motihari on each and every date of hearing. And therefore, petitioner being a lady is not feeling safe and secure to travel alone to Motihari for attending the court proceedings.

Learned counsel for the opposite party has been heard.

Considering the fact that the petitioner is a lady and being mother of two minor school going children, it will be difficult for her to visit Motihari on each and every date to contest the divorce case and that the opposite party will have no difficulty in contesting and in pursuing his divorce case in Patna, hence, this application is allowed.

Accordingly, Divorce Case No. 460 of 2019 is transferred from the Court of Principal Judge, Family Court,



Motihari to the Court of Principal Judge, Family Court, Patna.

The records of Divorce Case No. 460 of 2019 should be immediately sent by the Principal Judge, Family Court, Motihari, East Champaran to the Principal Judge, Family Court, Patna.

Let a copy of this order be communicated to the Court of Principal Judge, Family Court, Motihari, East Champaran and the Principal Judge, Family Court, Patna, through FAX for its compliance forthwith.

(Sandeep Kumar, J)

Shishir/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	11 /08/2022
Transmission Date	N/A

