

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2660 of 2019

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Akash Kumar Mishra @ Akash Mishra @ Banti Kumar Mishra @ Banti Mishra S/o Shumeshwar Mishra Resident of Village- Hindu Chakia, Ward No. 12, P.S.- Chakia, District- East Champaran.

... .. Petitioner/s

Versus

Puja Kumari W/o Akash Kumar Mishra @ Akash Mishra @ Banti Kumar Mishra @ Banti Mishra, D/o Sumeshwar Dixit At present R/o Village- Harnahi, P.S.- Baruraj, District- Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhurendra Kumar, Advocate
For the Opposite Party/s : Mr.Rajeev Ranjan

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 16-09-2022 Heard the parties.

This Court has gone through the records of the case.

The grounds mentioned in the petition are not good ground for transfer of the case from Principal Judge, Family Court, Muzaffarpur to Principal Judge, Family Court, Motihari East Champaran. The distance between Muzaffarpur to Motihari, East Champaran, where the family court is situated is approximately 60 Kms and it will not be proper to transfer the case from Principal Judge, Family Court, Muzaffarpur to Principal Judge, Family Court Motihari, East Champaran and ask the opposite party to travel to Motihari on each and every



date as she has no source of income and she is dependent on her parents.

The Principal Judge, Family Court, Muzaffarpur is directed to conclude the Maintenance Case No. 42 of 2019 within three months from today. While deciding the case, the Principal Judge, Family Court, Muzaffarpur will follow the guidelines issued by the Supreme Court in the case of ***Rajnish vs Neha & Ors, [(2021), 2 SCC 324]***.

As the petitioner has now the knowledge of the Maintenance Case No. 42 of 2019, he is duty bound to appear before the Principal Judge, Family Court, Muzaffarpur and therefore he will appear before the Principal Judge, Family Court, Muzaffarpur on 30th of September, 2022 and thereafter the Principal Judge, Family Court, Muzaffarpur will proceed in the matter and conclude the same within the time fixed as mentioned above.

If the petitioner does not cooperate in the disposal of the maintenance case then also the Court will proceed with the Maintenance Case 42 of 2019 without waiting for his cooperation and dispose of the same in accordance with law as directed earlier and the law laid down by the Supreme Court in the case of ***Rajnish vs Neha & Ors, [(2021), 2 SCC 324]***.



With the aforesaid observations and directions, this application is dismissed.

Let this order be communicated to the Principal Judge, Family Court, Muzaffarpur and Principal Judge, Family Court Motihari, East Champaran through FAX and e-Mail for its compliance forthwith.

(Sandeep Kumar, J)

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