

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3081 of 2019

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Anamika Kumari @ Anamika Chaudhary @ Anamika Davi @ Khushbu Wife of Ujjawal Kumar Chaudhary, Daughter of Vijay Kumar Chaudhary Resident of Village-Kharauna Jayram, P.S.-Kudhni, District-Muzaffarpur at present residing of Village-Muruahi, Ward No. 7, P.S.-Jaleshvar, District-Mohtari, Nepal

... .. Petitioner/s

Versus

Ujjawal Kumar Chaudhary Son of Ram Kumar Chaudhary Resident of Village-Kharauna Jayram, P.S.-Kudhni, District-Muzaffarpur

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Vijay Kumar Mishra, Advocate
For the Opposite Party : Mr. Vijay Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 01-12-2022 Heard the parties.

The petitioner, who is the wife of the sole opposite party, namely, Ujjawal Kumar Chaudhary, has filed this application for transfer of Divorce Case No.443 of 2016 from the Principal Judge, Family Court, Muzaffarpur to the Principal Judge Family Court, Sitamarhi.

The petitioner is a young lady having a child in her lap totally dependent upon her old and ailing parents. It is causing much inconvenience to her to travel from Nepal to Muzaffarpur to contest the Divorce Case.

Learned counsel for the opposite party submits that in this case, the evidence is complete and only argument is to be concluded and therefore, the Divorce Case may not be transferred.



Considering the facts of the case and in view of the fact that hardship of the girl is to be seen and also considering the fact that she having child in her lap is unable to travel to Muzaffarpur to contest the case, this application for transfer is allowed. Divorce Case No. 443 of 2016 is directed to be transferred from the Principal Judge Family Court, Muzaffarpur to the Principal Judge, Family Court, Sitamarhi.

After transfer of the case in the Court of the Principal Judge Family Court, Sitamarhi, the Principal Judge Family Court, Sitamarhi will issue notice to both the parties and, thereafter, the proceeding will continue in the Court of Principal Judge, Family Court, Sitamarhi. If the opposite party does not cooperate in disposal of the aforesaid Divorce Case, the Principal Judge, Family Court, Sitamarhi will proceed ex parte.

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

Let a copy of this judgment be communicated to the Principal Judge, Family Court, Muzaffarpur as well as the Principal Judge, Family Court, Sitamarhi for its compliance forthwith.

(Sandeep Kumar, J)

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