

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3162 of 2019

Shivika Bhagat @ Shivika Kumari Wife of Prashant Kumar Chaudhary, D/o Krishna Bhagat At present R/o Mohalla- Churi Patti, Near Line Hat, Kali Mandir, P.O.- Kishanganj, P.S.- Kishanganj, District- Kishanganj.

... .. Petitioner/s

Versus

Prashant Kumar Chaudhary Son of Madan Lal Choudhary R/o Mohalla-Colony No.-2, K.B. Jha College Road, P.O.- Katihar, P.S.- Katihar, District- Katihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Singh
For the Opposite Party/s : Mr. Jainendra Kumar

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 02-12-2022 Heard learned counsel for the petitioner. None appears for the opposite party though Vakalatnama has been filed by Shri Jainendra Kumar, Advocate.

The present application has been filed by the petitioner for transfer of Matrimonial Case No. 522 of 2018 from the Court of Principal Judge, Family Court, Katihar to the Court of Principal Judge, Family Court, Kishanganj due to the difficulty being faced by the petitioner in travelling 260 KM with her daughter.

Considering the hardship of the petitioner, this application is allowed and Matrimonial Case No. 522 of 2018 is directed to be transferred from the Court of Principal Judge, Family Court, Katihar to the Court of Principal Judge, Family



Court, Kishanganj.

The Principal Judge, Family Court, Kishanganj will not adjourn the case on any flimsy ground and if the petitioner does not cooperate in the proceeding, Maintenance Case No. 138 of 2018 shall be decided ex parte. While deciding the aforesaid Maintenance Case, the Principal Judge, Family Court, Kishanganj will follow the ratio laid down by the Hon'ble Supreme Court in the case of ***Rajnesh vs Neha reported in (2021) 2 SCC 324.***

The Matrimonial Case No. 522 of 2018 which has been transferred will proceed only if the husband deposits the interim maintenance amount as per direction of this Court.

Maintenance Case No. 138 of 2018 shall be heard and decided by the Principal Judge, Family Court, Kishanganj within three months from today as per the law laid down by the Supreme Court in the case of ***Rajnesh vs. Neha & Ors. (supra)***

Both the cases will be heard on the same date at Kishanganj, so that the parties don't face any difficulty.

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

Let a copy of this order be communicated to the Court of Principal Judge, Family Court, Katihar and the



Principal Judge, Family Court, Kishanganj for its compliance,
through FAX or e-mail forthwith.

(Sandeep Kumar, J)

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