

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3545 of 2019

Udita Laxmi, Wife of Ashutosh Vibhakar, Daughter of Manoj Kumar Singh,
Resident of Uttari Shahi Colony, Ramjeevan Chowk, Hajipur, P.O. and P.S.-
Hajipur, Dist.- Vaishali.

... .. Petitioner/s

Versus

Ashutosh Vibhakar, Son of Late Santosh Prasad Singh, Resident of Village-
Pirapur Mathura, P.S.- Goroul, Dist.- Vaishali Presently residing at Mohalla
Mahboobkhan Tola, Ashram Road (behind Kidzee School), P.S.- Khajanchi
Hat, P.O.- Purnea (Bhatta Bazar), Dist.- Purnea.

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Anil Kumar, Advocate
For the Opposite Party : Mr. Rakesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 12-07-2022 Heard the parties.

The present petition has been filed for transfer of
Matrimonial Suit No. 90 of 2019 from the Court of the Principal
Judge, Family Court, Purnea to the Court of Principal Judge,
Family Court, Vaishali at Hajipur where Matrimonial
(Restitution) case no. 198 of 2019 filed by petitioner-wife, is
pending and both cases be heard together and disposed of at the
earliest.

It has been submitted by learned counsel for the
petitioner that marriage was solemnized on 29.11.2017 and after
three months, petitioner was subjected to cruelty by the opposite
party and his mother and they started demanding cash and
articles and for that she was being tortured to the extent that



they allowed one Sadanand Singh to sexually harass her.

The petitioner also approached the police and local administration and the matter was referred to the family reconciliation/mediation centre but mediation failed and petitioner was directed to approach the competent court of law and thereafter the petitioner approached the Principal Judge, Family Court, Vaishali at Hajipur for restitution of conjugal life and filed a petition under section 9 of Hindu Marriage Act bearing Matrimonial (Restitution) Case No. 198 of 2019 in which the notice was issued to the opposite party.

Learned counsel for the petitioner has further submitted that the petitioner feels threat to her life and has been threatened by the opposite party if she comes to Purnea to contest her case. Petitioner having ten months old child in her lap and it is not possible for her to travel with her child to Purnea to contest the case.

Considering the difficulty being faced by the petitioner in travelling to Purnea and considering the fact that she having ten months old child is unable to travel to Purnea to contest the case, this application for transfer is allowed. Matrimonial Suit No. 90 of 2019 pending in the court of the Principal Judge, Family Court, Purnea is directed to be transferred to the court of



Principal Judge, Family Court, Hajipur, Vaishali. The parties shall appear in the court of the Principal Judge, Family Court, Vaishali at Hajipur and thereafter the proceeding will be conducted in the court of the Principal Judge, Family Court, Vaishali at Hajipur. The Principal Judge, Family Court, Vaishali at Hajipur is also directed to dispose of Matrimonial Suit No. 90 of 2019 expeditiously.

Since the opposite party has knowledge about Matrimonial (Restitution) Case No.198 of 2019, he is required to appear and do necessary *pairvi* in the case. If the opposite party does not cooperate in disposal of the aforesaid Matrimonial (Restitution) Case No. 198 of 2019, the Principal Judge, Family Court, Vaishali at Hajipur will proceed ex parte.

Let a copy of this judgment be communicated to the Principal Judge, Family Court, Purnea as well as the Principal Judge, Family Court, Vaishali at Hajipur for its compliance forthwith.

(Sandeep Kumar, J)

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