

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.657 of 2024

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Sangeeta Kumari @ Sangeeta Devi @ Jhunni Wife of Sri - Amar Nath Purbey and Daughter of - Late Shankar Prasad, Hamam gali, Marwari School Ke bagal me, Nagla, Patna City, P.S. and P.O. - Patna City, District - Patna, Bihar - 800008.

... .. Petitioner/s

Versus

Amar Nath Purbey Son of Sri Ram Kumar Purbey, Resident of Mohalla Karakpatti, Ward No. 10, Madhubani, P.S. and District- Madhubani.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Kirti Mathur, Advocate

Mr. Yash Mathur, Advocate

For the Opposite Party/s : Mr. Hans Lal Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 08-08-2024 Heard Mrs. Kirti Mathur, learned counsel for the petitioner and Mr. Hans Lal Kumar, learned counsel for the opposite party.

2. Pursuant to the order dated 09.05.2024 by which notice was issued to the opposite party no. 2, Amar Nath Purbey as per the office notes, the sole opposite party has appeared through vakalatnama on 03.07.2024 through Mr. Hans Lal Kumar, learned Advocate.

3. On 11.07.2024, in view of the joint prayer made by both the parties that in an anticipatory bail application of the opposite party, the mediation is going on and as such, the matter be taken up at a later stage.

4. This is how the petition has been taken up today.



5. As per the status report of the Matrimonial Case No. 207 of 2021 on 01.03.2024, the matter was posted for 18.04.2024 for findings and thereafter on 13.05.2024 for argument which followed argument date on 13.06.2024 and 14.08.2024. As per the office notes, on 18.05.2024, the order dated 09.05.2024 was communicated to the concerned Court of learned Principal Judge, Family Court, Madhubani still the order shows that it was posted on 13.06.2024 and 14.08.2024 for an argument.

6. The aforesaid facts have been recorded because a stay was granted on 09.05.2024 itself. However, inadvertently, instead of actually incorporating the order that the Matrimonial Case No. 207 of 2021 pending before the learned Principal Judge, Family Court, Madhubani is stayed it was recorded as *let no coercive steps be taken against the petitioner.*

7. The order dated 09.05.2024 so far as the paragraph – 6 is concerned, the same is modified as follows:

“6. In the meantime, the Matrimonial Case No. 207 of 2021 pending before the Court of learned Principal Judge, Family Court, Madhubani stands stayed.”

8. Be that as it may, the case of the petitioner is that



she is a housewife, fully dependent on her mother, there is an infant with her and even the amount that was to be paid has never been given to her by the husband, opposite party no. 2. She submits that without the proper medical treatment, the female child died on 21st January, 2021 itself.

9. Learned counsel for the opposite party, on the other hand, only to harass the petitioner, submits that this case should neither be taken up at Madhubani where he has preferred the Matrimonial Case nor Patna where she is making prayer for rather it should be taken up before the learned Principal Judge, Family Court, Muzaffarpur.

10. This Court finds the said submission absurd inasmuch as a lady who is dependent on her mother has no economic support and it is not the case of the petitioner that he has taken any care and attention of her who is still his legally wedded wife and in that background, when the petition is for transfer of the case from Madhubani to Patna, the least that was expected from him was to make such prayer.

11. The petitioner has made out a case and in that background, this Court deems it appropriate to allow the petition.

12. Let the file of Matrimonial Case No. 207 of 2021



(Amarnath Purbey vs Sangita Devi) pending before the Court of learned Principal Judge Family Court, Madhubani be transferred to the Court of learned Principal Judge, Family Court, Patna forthwith.

(Rajiv Roy, J)

Adnan/-

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