

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3699 of 2023

Amrita Kumari Wife of Bhanu Pratap Singh @ Dipu Singh and Daughter of
Upendra Kumar Rai Motihari Town, Mohalla- Ekauna, P.S.- Motihari Town,
District- East Champaran at presently Village- Sirisiya Adda, P.S.- Sirisiya
Adda, P.S.- Chanpatia, (Sirisiya, O.P.), District- West Champaran.

... .. Petitioner/s

Versus

Bhanu Pratap Singh alias Dipu Singh Son of Rameshray Singh Resident of
Motihari- Town, Mohalla- Chandmari Ekauna, P.S.- Motihari Town, District-
East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Mohammad Abu Shajar, Advocate
For the Opposite Party/s :	Mr.Rajesh Ranjan, Advocate
	Mohammad Farooq, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 26-09-2024 Heard the parties.

2. The present petition has been preferred for transfer
of Matrimonial Case 500 of 2019 from the Court of learned
Principal Judge, Family Court, East Champaran at Motihari to
the Court of learned Principal Judge, Family Court, West
Champaran at Bettiah.

3. Pursuant to the last order dated 08.08.2024, the
opposite party has appeared.

4. The facts of the case have been incorporated by the
lady in paragraphs 12 and 13 which read as follows:

*12. that the petitioner also filed of
her rejoinder dated 01.06.2023 to*



the said petition dated 20.02.2023 and 11.04.2023 for calling upon the record of Divorce case no. 500 of 2019, pending in the court of Principal Judge, Family Court at Motihari to this court at Bettiah to which this petitioner has no objection to the prayer as made in the petition dated 20.02.2023 and further, the opposite party also close to file for transfer the case to this Hon'ble Court, Patna which does means that the Opposite Party has knowingly and deliberately waived the procedural right which has earlier been lost and waived by the act of the opposite party can't be again repagitated;

13. that opposite party always wanted to harass the petitioner by hook and crook by not paying single pie to the petitioner and



further wanted to drag her to face another divorce case whereas the petitioner has already filed Divorce case against the opposite party and there is no purpose to face in another divorce case filed by the opposite party, if the opposite party wanted to proceed with the said divorce case filed by him against the petitioner, then the same requires to be Amalgamated with the divorce case filed by the petitioner and to be heard both the cases together at Bettiah Family Court for the convenience of the petitioner who is a helpless lady as no any source of income for facing now divorce case at Motihari Family Court filed by the opposite party.

3. The opposite party wanted the case to be transferred either to a neutral place and/or to allow him to



appear through virtual mode.

4. This Court deems it fit and proper that both the petitioner as also the husband must have the liberty either to appear through physical mode or virtual mode.

5. Considering the facts incorporated in the writ petition, the MJC No. 3699 of 2023 is allowed.

6. The Matrimonial Case 500 of 2019 is transferred from the Court of learned Principal Judge, Family Court, East Champaran at Motihari to the Court of learned Principal Judge, Family Court, West Champaran at Bettiah with liberty to both the parties either to appear physically or through virtual mode.

(Rajiv Roy, J)

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