IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3459 of 2025

CNR No. BRHC011055632025

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Anamika Kumari Wife of Aman Pandey Son of Late Prabhas Pandey Resident of village- Sabikpur P.O Damodarpur, P.S.- Lakhisarai, District- Lakhisarai At Present - Daughter of Sri Narayan Pandey Resident of Mohalla Par Nawada, Devi Asthan Ward No. 29 P.S.- Nawada, District- Nawada

... ... Petitioner/s

Versus

Aman Pandey Son of Late Prabhas Pandey Resident of village- Sabikpur, P.O.- Damodarpur, P.S.- Lakhisarai, District- Lakhisarai

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

4 06-11-2026 Heard learned counsel for the petitioner and learned counsel for the opposite party.

2. The present transfer application has been filed for the following reliefs :-

> *"That this is an application for transferring the matrimonial Case No. 37 of 2025 from the court of Principal Judge, Family Court Lakhisarai to the Judgeship of Principal Judge, Family Court, Nawada apart from that two cases i.e. complaint Case No. 660/2025 pending before the court learned S.D.J.M. Nawada and Matrimonial Case No. 174/2025 u/s 144 of B.N.S.S Act pending the court of Principal Judge, Family Court Nawada are going on."*

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3. Learned counsel for the petitioner submits that the marriage between the petitioner and the opposite party was solemnized on 29.02.2024 according to Hindu rites and rituals and despite mediation of relative of the petitioner, no amicable solution could be found out and accordingly, the aforesaid Matrimonial Case No.37 of 2025 is said to have been instituted by the opposite party in the Court of Principal Judge, Family Court, Lakhisarai.

4. It has further been submitted that, owing to the torture and harassment done to the petitioner by the opposite party and his family members, she sustained grievous injuries, resulting in the amputation of all the toes of her feet and the expenses which has incurred towards her medical treatment, amounts to approximately Rs.10,00,000/-. It has also been submitted that the petitioner's entire family is facing severe financial constraints, particularly as her mother is suffering from cancer and requires periodical medical treatment. Furthermore, the petitioner's father has also passed away, and there is no one to support her in making the necessary arrangements for her travel and appearance before the Court of the Principal Judge, Family Court, Lakhisarai, where the matrimonial case is pending.

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5. On the other hand, learned counsel for the opposite party does not dispute that two more cases are pending, being Complaint Case No.660 of 2025 pending before the court of learned S.D.J.M., Nawada and Matrimonial Case No.174 of 2025 under Section 144 of the B.N.S.S. Act pending in the Court of Principal Judge, Family Court, Nawada.

6. Considering the fact that two other cases are already pending before the Family Court, Nawada, and that there is no family member available to assist the petitioner in ensuring his/her appearance before the Court of the Principal Judge, Family Court, Lakhisarai, this Court is of the considered view that Matrimonial Case No. 37 of 2025 be transferred to the Judgeship of Nawada, before the Principal Judge, Family Court, Nawada. Accordingly, the entire records pertaining to the aforesaid matrimonial case shall be transmitted to the Judgeship of Principal District Judge, Nawada within a period of three weeks from the date of receipt of a copy of this order.

7. However, at this stage, learned counsel for the opposite party submits that the opposite party may be granted liberty to file an application before the Court concerned, seeking permission to appear through virtual mode on dates when no effective hearing is scheduled in the pending matrimonial case.

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Learned counsel further submits that the opposite party undertakes to remain personally present before the Court on all dates fixed for effective hearings, and would cooperate by ensruing his participation in the proceedings.

8. In view of the aforesaid submissions, this Court grants liberty to opposite party to file an appropriate application before the Court concerned, as and when such a requirement arises and the said application shall be considered by the Court concerned in accordance with law.

9. With the aforesaid observations / directions, the present transfer application stands disposed of.

(Ajit Kumar, J)

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