

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1485 of 2016

=====

Smt. Smita Kumari Daughter of Sri Sita Ram Pandit, Wife of Yashwant Kumar,
Resident at Rajendra Nagar (Awash Board), Police Station- Khagaria Sadar,
District- Khagaria.

.... Petitioner

Versus

Jaswant Kumar Son of Sri Rajendra Pandit, Resident of Sri Krishna Nagar, near
Purnea Court Railway Station, Police Station- K. Hat, District- Purnea.

.... Opposite Party

With

=====

Miscellaneous Jurisdiction Case No. 1632 of 2017

=====

Jaswant Kumar, Son of Sri Rajendra Pandit, Resident of Sri Krishna Nagar, near
Purnea Court Railway Station, Police Station- K. Hat, District- Purnea.

.... Petitioner

Versus

Smt. Smita Kumari, daughter of Sri Sita Ram Pandit, Wife of Yashwant Kumar,
Resident at Rajendra Nagar (Awash Board), Police Station- Khagaria Sadar,
District- Khagaria.

.... Opposite Party

=====

Appearance :

(In MJC No.1485 of 2016)

For the Petitioner : Mr. Bishweshwar Ram, Advocate

For Opposite Party : Mr. Kumar Uday Singh,
Mr. Madanjeet Kumar, Advocates

(In MJC No.1632 of 2017)

For the Petitioner : Mr. Madan Jeet Kumar

Mr. Kumar Uday Singh, Advocates

For Opposite Party : Mr. Bishweshwar Ram, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 04-09-2017

MJC No. 1485 of 2016

The present petition has been filed for transfer of
Matrimonial (Divorce) Case No. 17 of 2016 pending in the court of
learned Principal Judge, Family Court, Purnia to the Court of learned
Principal Judge, Family Court, Khagaria.

2. The short facts of the case, according to the petitioner,
are that the parties were married on 13.06.2004 and a male child was



born from the wedlock who is now about 10 years of age. She suffered continued ill-treatment and torture at the hands of her in-laws and was finally ousted from the matrimonial home after which she came to reside at her parental home at Khagaria. The petitioner is a practicing Advocate of Khagaria Civil Court since 2011, where she had instituted Complaint Case No. 201C of 2016 for the offence under Section 498A of the Indian Penal Code which is pending before the learned Sub-Divisional Judicial Magistrate, Khagaria.

3. Learned counsel for the petitioner has submitted that the petitioner would be put to great difficulty as she has to travel to Purnia in order to contest the matrimonial divorce case. It is stated that the petitioner does not have much income and depends upon her father who is also a practicing Advocate in the Civil Court at Khagaria for her upkeep along with her son.

4. Learned counsel for the opposite party opposes the petition for transfer of the matrimonial case. In any event, considering that the main reason for seeking transfer by the petitioner is her financial constraints, learned counsel for the opposite party states on instruction that the opposite party is prepared to meet the reasonable travel expenses of the petitioner for attending the case at Purnia.

5. Having heard learned counsel for the parties and on careful consideration of the materials available on record, this Court is of the view that the main difficulty expressed by the petitioner is with regard to the financial constraints in attending the case at Purnia, would be taken care of by the offer made by the opposite party to meet her



reasonable expenses for attending the case at Purnia.

6. In the above view of the matter, this Court directs that the opposite party shall pay the train fare by second class both ways between Khagaria and Purnia together with Rs. 500/- for general expenses for each date when the petitioner is required to physically attend the court at Purnia. The petition accordingly stands disposed of.

MJC No. 1632 of 2017

7. The present petition has been filed on behalf of the petitioner husband for transfer of Matrimonial Suit No. 17 of 2016 pending in the court of learned Principal Judge, Family Court, Purnia to the Court of learned Principal Judge, Family Court, Bhagalpur.

8. Having regard to the nature of the judgment passed in MJC No. 1485 of 2016 as above, learned counsel for the petitioner states that the present petition need no longer be pressed.

9. This petition stands disposed of in the above terms.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	06.09.2017
Transmission Date	N.A.

