

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.961 of 2016

IN

Matrimonial Reference No. 11 of 2016

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Pinki Kumari, wife of Rajiv Kumar, daughter of Sri Surendra Prasad Sinha,
resident of Vikash Nagar Colony, Road No. 1, Kumhrar, P.O Mahendru, P.S.
Alamganj, District Patna.

.... Petitioner

Versus

Rajiv Kumar, son of Sri Ramashray Prasad, resident of Bhabhua, Ward No. 3
(North Patel Chowk), P.S. Bhabhua, District Kaimur

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Dhananjay Kumar Tiwary,
Mr. Baban kumar
Mr. Anuj Kumar, Advocates.

For the Opposite Party : Ms. Vagisha Pragya V. Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 25-07-2017

Heard learned counsel for the petitioner and learned
counsel for the opposite party.

2. The present petition has been filed for transfer of
Matrimonial (Divorce) Case No. 11 of 2016 pending in the Court of
learned Principal Judge, Kaimur at Bhabhua to the Court of learned
Principal Judge, Family Court, Patna.

3. The short facts of the case according to the
petitioner are that the parties were married on 07.03.2014.
Subsequently, the petitioner came to reside with her parents at Patna



since 05.04.2014 and instituted Matrimonial Case No. 1078 of 2015 seeking restitution of conjugal rites in which notice was issued to the petitioner. Thereafter the subject divorce case has been filed by the opposite party.

4. Learned counsel for the petitioner submits that the petitioner is residing at Patna and is dependent upon her parents having no independent source of income and as such she would incur huge expenses as and when she is required to attend the Court at Bhabhua.

5. Learned counsel for the opposite party, on the other hand, submits that the petitioner has suppressed the fact of the stage of trial in the matrimonial case which is at the evidence stage and two witnesses from the side of the opposite party had already been examined. Apart from financial difficulty, no other impediment for the petitioner's appearance at Kaimur has been stated in the petition. Learned counsel for the opposite party states on instruction that the opposite party undertakes to pay the travelling costs for the petitioner to and fro Kaimur at Bhabhua as and when she required to attend the Court at that place. Reliance is placed on the decisions of the Apex Court reported in *Usha George vs. Koshy George (2000) 10 SCC 95*, *Neelam Bhatia vs. Satbir Singh Bhatia (2004) 13 SCC 436* and *Preeti Sharma vs. Manjit Sharma (2005) 11 SCC 535*.



6. Having heard the parties and on consideration of the materials on record, this Court is not inclined to interfere in the matter. The stand of the opposite party in the counter affidavit that the divorce case is at the evidence stage has not been denied by the petitioner as no rejoinder has been filed by the petitioner. Apart from financial difficulty, there is no other ground pleaded in the petition which may cause hindrance in the petitioner’s appearance at Kaimur at Bhabhua. The opposite party has undertaken to bear the travelling cost of the petitioner to and fro Kaimur on the dates when she is required to attend the Court there. The facts of the present case are similar to those obtaining in the decision of Preeti Sharma’s case (*supra*) wherein the Apex Court declined relief to the petitioner in similar circumstances.

7. The petition accordingly stands dismissed.

(Vikash Jain, J)

Md. Ibrarul/Chandran

AFR/NAFR	NAFR
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