

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Miscellaneous Jurisdiction Case No.2663 of 2015**

**IN**

**Matrimonial Reference No. 140 of 2009**

=====

Sarita Singh wife of Sri Mithilesh Kumar Singh, daughter of Sri Vivekanand Singh, resident of Village- Pahlagarh, P.O.- Sonaili and P.S.- Kadba, District- Katihar.

.... .... Petitioner

Versus

Mithilesh Kumar Singh, son of Late Jai Narayan Singh, resident of Village- Chohmar, P.S. Kharik, District- Bhagalpur.

.... .... Opposite Party

=====

**Appearance :**

For the Petitioner : Mr. Bajarangi Lal, Advocate

For Opposite Party : Mr. Ashok Kumar Yadav, Advocate

=====

**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

**ORAL JUDGMENT**

**Date: 04-09-2017**

The present petition has been filed for transfer of Matrimonial Case No. 140 of 2009 pending in the court of learned Principal Judge, Family Court, Bhagalpur to the Court of learned Principal Judge, Family Court, Katihar.

2. The short facts of the case, according to the petitioner, are that the parties were married on 09.05.2002 but for non-fulfillment of dowry demand of the petitioner's in-laws, the petitioner was treated with cruelty, forcing her to return to her parents' house on 20.10.2006 where she filed Complaint Case No. 2398 of 2006 for the offence under Section 498A of the Indian Penal Code in which cognizance has been taken.

3. Learned counsel for the petitioner submits that the



petitioner is a lady living with a daughter aged about 10 years at Katihar in her parental home and she would be put to great difficulty in attending the subject matrimonial case at Bhagalpur in order to contest the same.

4. Learned counsel for the opposite party, on the other hand, opposes the petition for transfer of the case, pointing out that the petitioner has already appeared in the matrimonial case and has filed her written statement. It further appears from the order dated 04.08.2015 passed in Matrimonial Case No. 140 of 2009 that the opposite party has produced and examined altogether four witnesses and the evidence of the opposite party has been closed. Moreover, the petitioner-wife was awarded proceeding cost of Rs. 600/- per date for her physical attendance in the Court.

5. Having heard learned counsel for the parties and on careful consideration of the materials available on record, this Court is not inclined to interfere in the matter. The grounds raised by the petitioner do not appear to be such that there would be insurmountable difficulty for her in going to Bhagalpur to attend her case. The daughter of the parties is admittedly about 10 years of age and may be looked after by the petitioner's parents. Moreover, the petitioner has been awarded Rs. 600/- as proceeding cost per date whenever she has to physically attend the court.

6. The petition accordingly stands dismissed.



B.T/Chandran

(Vikash Jain, J)

|                   |            |
|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | N.A.       |
| Uploading Date    | 05.09.2017 |
| Transmission Date | N.A.       |

