

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1073 of 2017

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Surbhi Kumari, W/o Manoj Kumar, D/o Surendra Prasad, R/o Village-Samardah, P.O.- Saharkola, P.S.- Basantpur, District- Siwan, At present-Mohalla- Katra East of Janakdhari School, P.S. Town, District- Saran at Chapra.

.... Petitioner

Versus

Manoj Kumar, S/o Late Raj Kumar Prasad, R/o East Bhikhachak, P.O.- Anishabad, P.S.- Gardanibagh, District- Patna.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Anjani Parashar, Advocate
For the Opp. Party : Mr. R.C.P. Bharti, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 28-11-2017

The present petition has been filed for transfer of Matrimonial Case No. 1200 of 2016 pending in the Court of learned Additional Principal Judge, Family Court, Patna to the Court of learned Principal Judge, Saran at Chapra.

2. Learned counsel for the petitioner submits that the petitioner is a poor lady without any independent source of income and is dependant on her father who is a retired person of advanced age of 80 years. She has three brothers who are however living separately from the father of the petitioner.

3. A counter affidavit has been filed on behalf of the opposite party opposing the prayer of the petitioner stating that the opposite party is a driver of a School van working on daily wages and it will be



difficult for him to attend the matrimonial case, if the same is transferred to Chapra. The stand of the petitioner that her brothers are living separate has been controverted stating that they are all living jointly and are well settled. Moreover, the opposite party has expressed his readiness to bear the transportation cost of the petitioner from Chapra to Patna for attending the matrimonial case.

4. Having heard the parties and on consideration of the materials on record, this Court is not inclined to interfere in the matter. The distance between Chapra and Patna may be covered both ways in a single day without the need for overnight stay at Patna. The petitioner has not shown that any other case has been instituted by her at Chapra. The plea that she is financially constrained to attend the Court at Patna is addressed by the readiness of the opposite party to meet her expenses of travel. Admittedly the petitioner has three brothers, even if they are separately residing, though this fact has also been disputed by the opposite party.

5. In the above circumstances, this Court directs that the opposite party shall make payment of transportation cost either by State Transport bus or travel by train in second class to the petitioner along with an attendant along with Rs. 500/- towards expenses for each date when the petitioner is required to attend Court personally at Patna. The Court below shall ensure payment of such amount to the petitioner on each date.



6. The petition stands disposed of with the directions aforesaid.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
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