

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2357 of 2016

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Sarita Devi W/o Bam Bam Giri, D/o Late Laloo Giri resident of Village- Repura,
P.S. Minapur, District- Muzaffarpur.

.... Petitioner

Versus

Bam Bam Giri S/o Sri Mahendra Giri, resident of Village- Piyara Math, P.O.-
Bajahian, P.S.- Dariyapur, District- Saran.

.... Opposite Party

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Appearance:

For the Petitioner : Mrs. Punam Shrivastava, Advocate

For the Opposite Party :

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 02-08-2017

The present petition has been filed for transfer of Matrimonial Case No. 39 of 2016 from the Court of learned Principal Judge, Family Court, Saran at Chapra to the Court of learned Principal Judge, Family Court, Muzaffarpur or any other Court adjacent to Muzaffarpur.

2. The short facts of the case are that the parties were married on 20.04.2007 and two girls were born from the wedlock. According to the opposite party, the petitioner's mother and brother came to his house on 02.10.2015 and took his wife away along with ornaments and cash and since then the petitioner has been residing at her parental home at Muzaffarpur.

3. Learned counsel for the petitioner submits that she has filed a Maintenance Case bearing No. 474 of 2015 which is pending at



Muzaffarpur and in absence of financial support from her husband, she is unable to attend Court at Chapra to contest the matrimonial case.

4. Learned counsel for the opposite party appears and has been heard. It is stated that the opposite party is willing to pay for reasonable expenses of the petitioner to come to Chapra as and when required.

5. Having heard the parties, this Court is not inclined to accede to the prayer of the petitioner. The petitioner has not attributed any ill-treatment at the hands of the opposite party nor explained why she has chosen to go to Muzaffarpur to reside at her parental home. The solitary reason seeking transfer of the matrimonial case is her financial constraints for visiting Chapra. Merely because the petitioner happens to be a lady is not sufficient reason to transfer the matrimonial case as sought for by her. As far as her financial constraints are concerned, the opposite party has expressed willingness to pay for her reasonable expenses.

6. In the above view of the matter, this Court directs that the opposite party shall make payment of traveling expenses of actual train fare by second class along with incidental expenses of Rs. 500/- (five hundred) on each occasion when the petitioner is required to travel to Chapra to contest Matrimonial Case No. 39 of 2016. The learned Court below shall ensure payment of the aforesaid amount to the petitioner.



7. The petition stands disposed of with the aforesaid observation.

(Vikash Jain, J)

Chandran/BT

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