

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3259 of 2016

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Rani Kumari wife of Kunal Kishore Gautam, Daughter of Mahendra Mandal resident of Village and P.O.- Nawada, P.S.- Madhepur, Distt- Madhubani, at present working as Internship in Jawahar Lal Nehru Medical College and Hospital, through the Superintendent, Jawahar Lal Nehru Medical College and Hospital, P.O.,P.S. and District- Bhagalpur.

.... Petitioner

Versus

Kunal Kishore Gautam son of Late Dinesh Raut Resident of Mohalla Ali Nagar, P.O.- Lalbagh, P.S.- Lalit Narain Mithila University, District- Darbhanga at present resident of Primary Health Centre, Bahadurpur, P.S.- Bahadurpur, District- Darbhanga.

.... Opposite Party

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Appearance:

For the Petitioner : Mr. Pravin Kumar Sinha, Advocate

For the Opposite Party : Mr. Mukesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 18-07-2017

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

2. The present petition has been filed for transfer of Matrimonial Case No. 119 of 2016 pending in the Court of learned Principal Judge, Family Court, Darbhanga to the Court of learned Principal Judge, Family Court Bhagalpur.

3. The short facts of the case, according to the petitioner are that the parties were married on 13.06.2012, but soon thereafter the petitioner started her internship having obtained the MBBS degree from Jawahar Lal Nehru Medical College and Hospital at Bhagalpur from where she is getting stipend.



4. Learned counsel for the petitioner submits that while doing her internship she is residing at Bhagalpur and it would be difficult for her to go to Darbhanga to contest the matrimonial case.

5. Learned counsel for the opposite party on the other hand, appears and resists the petition. He invites attention to the counter affidavit stating that the petitioner has suppressed the fact of completion of her internship on 16.02.2017 in terms of the certificate issued by the Principal of the concerned Medical College. The opposite party is employed in a Government hospital at Darbhanga and he is unable to travel a distance of over 200 kilometres, if the case is transferred as sought by the petitioner. The minor son of the parties is staying with the opposite party and it will be difficult for him to travel to Bhagalpur as he is living only with his old mother at Darbhanga. It is also submitted that neither party is a permanent resident of Bhagalpur as the parental home of the petitioner is at Madhubani and that of the opposite party at Darbhanga.

6. Having heard the parties and on a consideration of the materials on record this Court is not inclined to interfere in the matter. The averments in the counter affidavit have not been controverted as no rejoinder to the same has been filed by the petitioner. The period of internship of the petitioner having come to an end, there is nothing on record to indicate where the petitioner is residing, her sources of income etc. The opposite party on the other hand, is working at a Government hospital and would face difficulty in taking leave to travel to Bhagalpur, more so, with the minor son of about four years of age, leaving his old mother alone at Darbhanga.



7. This Court is of the opinion that the petitioner has not made out any case showing her genuine difficulty justifying transfer of the Matrimonial Case No. 119 of 2016 from Darbhanga to Bhagalpur.

8. The petition stands dismissed.

(Vikash Jain, J)

Chandran

AFR/NAFR	NAFR
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