

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1981 of 2016

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Madhuri Devi

.... Petitioner

Versus

Prem Kumar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Navjot Yesu, Advocate

For the Opp. Party : Mr.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 01-08-2017

The present petition has been filed for transfer of Matrimonial (Divorce) Case No. 117 of 2015 from the Court of learned Principal Judge, Family Court, Aurangabad to the Court of learned Principal Judge, Family Court, Bhagalpur.

2. As a preliminary objection, learned counsel for the opposite party submits that the petitioner has suppressed material fact that she was residing at Gaya where she is posted as Panchayat Teacher since 2014 at Yashwant Uchch Madhyamik Vidyalay, Khijarsarai, Gaya, as stated in para 4 of the counter affidavit.

3. Learned counsel for the petitioner submits that due to sheer inadvertence this fact could not be mentioned in the petition however, it has been duly stated in para 3 of the rejoinder filed in response to the counter affidavit.

4. Having heard the parties, this Court is of the view that the petitioner has suppressed the material fact that she is a resident of Gaya for reasons best known to her. The statement of the opposite party with regard



to the petitioner’s residence at Gaya, since 2014 has not been controverted by the petitioner. There could be no *bona fide* reason for not having stated this fact in the present petition which was filed much later on 12.05.2016.

5. As a matter of fact even the prayer in the petition has been made for transfer of the Matrimonial Case from Aurangabad to Bhagalpur and not to Gaya on the plea that Complaint Case No. 1362 of 2009 as also Maintenance Case No. 103 of 2012, both instituted at the instance of the petitioner are pending at Bhagalpur. If the petitioner admittedly resides at Gaya and would have to travel to Bhagalpur to pursue the two cases instituted by her at that place, there is little reason why she cannot travel to Aurangabad to contest the divorce case. The petition is clearly frivolous in nature and is dismissed with costs of Rs. 500/- (five hundred) to be paid to the opposite party within a period of two months from today.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
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