

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.87 of 2016
IN
Matrimonial Reference No. 308 of 2018

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Ruchi @ Smt. Ruchi, Wife of Sri Sanjiv Kumar, daughter of Sri Satyanarayan Ray, resident of Mohalla Anandgarh Colony, Tilkamanjhi, P.O. & P.S. Tilkamanjhi, District- Bhagalpur

.... Petitioner

Versus

Sanjiv Kumar son of Sri Bhubneshwar Prasad Singh, resident of Sir Ganesh Dutta Nagar Road No. 4, Bhagwanpur, P.O. Bhagwanpur Chatti, P.S. Sadar, District- Muzaffarpur

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Janki Nandan Prasad, Advocate

For Opposite Party : Mr. Vijay Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 04-09-2017

The present petition has been filed for transfer of Matrimonial Case No. 308 of 2014 pending in the court of learned Principal Judge, Family Court, Muzaffarpur to the Court of learned Principal Judge, Family Court, Bhagalpur.

2. The short facts of the case, according to the petitioner, are that the parties were married on 14.07.2013 but soon thereafter the opposite party and his family members began to torture the petitioner for non-fulfillment of demand of Rs. 60,00,000/- for purchasing a flat at Gurgaoan, compelling her to come for shelter and to live at her parental house at Bhagalpur. A complaint in Kotwali (Tilkamanjhi) P.S. Case No. 176 of 2015 was filed on 17.03.2015 for the offence under Section 498A of the Indian Penal Code and Section 3/4 of



the Dowry Prohibition Act.

3. Learned counsel for the petitioner submits that she would be put to great difficulty if she has to travel to Muzaffarpur in order to contest the aforesaid matrimonial case and the petitioner's parents are persons of advanced age. Her father is at present serving as Medical Officer in J.L.N.M.C.H, Bhagalpur and taking care of the petitioner's mother who is suffering from knee problem and is unable to perform her daily routine work alone without help. The petitioner's only brother is a Bank employee and living in Gujarat. It is therefore submitted that there is no male member to conveniently accompany her to Muzaffarpur. Moreover, petitioner's parents are required to be examined as witnesses on her behalf and it would be very difficult for them to travel to Muzaffarpur in the above circumstances.

4. Learned counsel for the opposite party appears and opposes the petition, submitting that the evidence of the opposite party has already been closed. It is further stated that the petitioner's father is admittedly working as a doctor having his own private vehicle and driver and the petitioner herself is a Government teacher in Secondary School. The plea of medical problem with the petitioner's mother is not correct and the parents of the petitioner are healthy persons.

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. It is not in dispute that the



evidence of the opposite party has already been closed. It appears that the parents of the petitioner are required to be examined. The petitioner has not enclosed any medical documents to substantiate the plea that her mother is suffering from knee problem or is otherwise unable to attend the Court at Muzaffarpur. Moreover, the petitioner herself is said to be a Government Teacher in Secondary School and would certainly be capable of attending the matrimonial case at Muzaffarpur.

6. The petition accordingly stands dismissed.

(Vikash Jain, J)

B.T/Chandran

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