

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2927 of 2017

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1. Anjani Gupta @ Mamta Devi, W/o Sanjay Kumar @ Sanjeet Gupta,
Resident of Jandan Chowk, P.O. & P.S.- Barbigaha, District- Sheikhpura at
present residing with father at Budh-u-ddin Chak, P.O. & P.S.- Barh,
District- Patna.

.... Petitioner/s

Versus

1. Sanjay Kumar @ Sanjeet Gupta, Son of Surendra Halwai, Resident of
Janda Chowk, P.O. & P.S.- Barbigaha, District- Sheikhpura.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vikash Kumar Pankaj

For the Respondent/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 17-04-2018 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the sole opposite party.

The petitioner seeks transfer of Matrimonial Divorce
Case No. 22 of 2017 from the Court of Principal Judge, Family
Court, Sheikhpura, to the Principal Judge, Family Court, Patna.

Learned counsel for the petitioner submits that the
petitioner has been married to opposite party since 2012 and soon
thereafter, demand for dowry arose including physical and mental
torture.

It is submitted that the petitioner also suffered
miscarriage in the advance stage of pregnancy in 2014, but
subsequently, in the year 2015, she delivered a baby daughter,
namely, Khushi Gupta. It is at the time of miscarriage of the baby



daughter that the petitioner was declared to be HIV⁺/AIDS which stand has been controverted by the opposite party. However, the petitioner again conceived and she gave birth to a child but the child was found to be suffering from serious ailment including a hole in the heart. In support of such contention, the petitioner has also annexed certain medical prescriptions.

Without going into the veracity of the claims and also after considering the fact that learned counsel appearing on behalf of the sole opposite party has contended that either way the petitioner will have to move from Barh, where she normally resides, to Patna, then in such a situation, it would be appropriate that the matter should continue at Sheikhpura, where the divorce case is pending. It is also submitted by learned counsel for the opposite party that though the case is pending at Sheikhpura, she has been attending Court there and, therefore, no willful purpose would be served in transferring the case from Sheikhpura to Patna as he again would have to move from Barh to Patna for making Parvi in case at Patna.

Learned counsel for the petitioner, however, has responded to the submissions that it is easier to approach Patna by train than to go to Sheikhpura and it will also facilitate the treatment of herself and her baby daughter if she comes for Parvi



to Patna as she has acute paucity of fund for meeting her treatment.

Having considered the entire facts and circumstances of the case and on consideration of the fact that it is the petitioner's convenience which should be the sole consideration for transfer of any matrimonial case, this Court is of the opinion that it would be advisable and in the interest of justice that the Matrimonial Divorce Case No. 22 of 2017 pending before the Principal Judge, Family Court, Sheikhpura be transferred to the Court of Principal Judge, Family Court at Patna.

Let the records of the aforementioned case be transferred from the Court of Principal Judge, Family Court, Sheikhpura to the Court of Principal Judge, Family Court, Patna at the earliest and soon thereafter, it will be expedient and in the interest of justice that Matrimonial Divorce Case No. 22 of 2017 be proceed expeditiously after taking the necessary steps by the parties which includes filing of the written statement by the petitioner.

Thus, the present M.J.C. application stands allowed.

(Anjana Mishra, J)

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