

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.196 of 2016

In
Matrimonial Ref. No.770 of 2009

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Munni Devi Wife of Shri Kauleshwar Paswan, Daughter of Dwarika Prasad
Resident of Mohalla - Budhauri Ward No. 13, P.O. & P.S. Sheikhpura District
- Sheikhpura. Petitioner

Versus

Shri Kauleshwar Paswan Son of Late Dukhan Paswan permanent resident of
Village - Panapur (Dilawarpur), P.O. - Mathurapur, P.S. - Bidupur, District -
Vaishali at present resident of Noorani Bagh Colony, House No. B/05, Purani
Chauki Alamganj, Patna City P.O. - Gulzarbagh, District - Patna.
... .. Respondent

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Appearance :

For the Petitioner/s : Mr. Md. Anis Akhtar
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

10 13-08-2018 Heard learned counsel for the petitioner and learned
counsel representing the opposite party.

The present application has been preferred for transfer
of Matrimonial Case No. 770 of 1990 from the court of learned
Additional Principal Judge, Family Court, Patna to the court of
learned Principal Judge, Family Court, Sheikhpura.

Learned counsel for the petitioner, at this stage,
admits to the extent that the petitioner was residing at Patna
when the Matrimonial Case No. 770 of 2009 was filed but in the
year 2010 she got an employment as a Panchayat Teacher at
Bagaha where she is serving and is presently residing. It is
apparent from the statements made in the application that the
petitioner has thoroughly made a false statement in the



application not with regard to only the place of residence but has also made wrong statement with regard to her financial position. In the application she has sought transfer of the case stating that she has to come all alone to Patna from Sheikhpura which is not a correct fact. She has further stated in her petition that due to no financial support either from her Maikie side or from her husband, she is compelled to live at her native place which is in Sheikhpura District. This is once again a false statement made in the application. The admitted position is that she is serving as a teacher at Bagaha since the year 2010. This Court has further been informed by learned counsel representing the Opposite Party that the petitioner has, in fact herself filed a Domestic Violence Case at Patna which is still going on and the petitioner is pursuing the same. Learned counsel has pointed out that so far as the Matrimonial Case No. 770 of 2009 is concerned, this case is at the stage of conclusion as the petitioner has already started evidence and she has produced one witness who has also been examined and cross-examined in the case.

Taking note of the totality of the circumstances, this Court was willing to initiate a proceeding for filing false affidavit against the petitioner but considering her position,



this Court has restrained itself from doing so. The conduct of the petitioner in making false statement before this Court seeking transfer of the case to Sheikhpura is far beyond imagination.

This application has no merit. It is accordingly, dismissed.

(Rajeev Ranjan Prasad, J)

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