

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1792 of 2017

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Puja Kumari Wife of Sri Sunil Kumar, D/o Sri Bhola Sah Resident of Village- Basopatti, Babhandai Chowk, Police Station- Basopatti , District- Madhubani, at Present residing at C/o Sri Bhola Sah, MOhalla- Balia Bazar, Shitla Ashtan, Police Station- Balia, District- Begusarai.

.... Petitioner/s

Versus

Sunil Kumar Son of Sri Ram Nath Sah Resident of Village- Basopatti, Babhandai Chowk, Police Station and Post office- Basopatti, District- Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Upendra Kumar Singh

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 29-08-2018 This application has been preferred for transfer of the Matrimonial Case No.176/2015 pending in the court of learned Principal Judge, Family Court, Madhubani to the court of learned Principal Judge, Family Court, Begusarai.

Learned counsel for the petitioner submits that the marriage between the parties was solemnized on 10.12.2012 at Begusarai, however soon thereafter the dispute arose on account of demand of dowry. The opposite party has filed matrimonial case at Madhubani seeking decree of divorce against the present petitioner. It is further stated that the father of the opposite party has filed a criminal case bearing C.R. No.795 of 2013 against the petitioner and her entire family members including her married



sister and her husband with some baseless and false allegations. It is submitted that the petitioner is simply a house wife and has no any independent source of income. She is living at her father's place since July, 2015. In these circumstances, it would not be possible for her to contest the present case by visiting Madhubani court at each and every date.

Learned counsel representing the opposite party however denies the allegations leveled against the opposite party by this petitioner and submits that it is because of the cruelty committed by this petitioner the opposite party was compelled to bring the divorce suit seeking a decree of divorce.

For the present, this Court is considering the prayer of the petitioner for transfer of the matrimonial case. Whether the allegations made by the parties against each other are false or true are not the matters to be considered at this stage by this Court.

Having heard counsel for the parties what has transpired is that there is no denial of certain facts brought to the notice by this petitioner wherein she has stated about her difficulty and the fact that there is no independent source of income to the petitioner to contest the present case at Madhubani by spending huge expenditures. Considering the fact that the difficulties which have been addressed by this petitioner before this Court have not



been controverted by either pleadings or arguments, this Court would direct transfer of the Matrimonial Case No.176/2015 pending in the court of learned Principal Judge, Family Court, Madhubani to the court of learned Principal Judge, Family Court, Begusarai. Let the records be transferred within a period of fifteen days from the date of receipt/production of a copy of this order.

Taking note of the fact that the petitioner is not having any independent source of income, on the date fixed in the matter in the court at Begusarai if the petitioner appears and participates in the proceeding properly with her witnesses, the opposite party shall pay a cost of Rs.500/- to the petitioner on the date fixed in the matter to take care of her traveling and fooding expenses incurred for attending the court's proceeding.

The application stands disposed off with observations and directions made above.

(Rajeev Ranjan Prasad, J)

Arvind/-

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