

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.779 of 2018

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Shilpi Kumari, Age 29 years, W/o – Kunal Kishore Singh, D/o – Dhruv Kumar Singh, R/o – Ashok Nagar, Road No. 9 A, P.S. – Kankarbagh, Dist – Patna. Petitioner/s

Versus

Kunal Kishore Singh, Aged – 34 years, S/o – Late Nagnarayan Singh, R/o – Yadopur Sukla, PO + P.S. – Yadopur, Dist – Gopalganj. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Parth Gaurav, Adv.
: Miss. Shambhavi Shankar, Adv.
For the Respondent/s : Mr. Tej Bahadur Singh, Sr. Adv.
: Mr. Shashi Priya Pathak, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 21-08-2018 This application has been preferred for transfer of Matrimonial Case No. 222 of 2017 from the court of learned Principal Judge, Family Court, Gopalganj to the court of learned Principal Judge, Family Court, Patna. The grounds set forth in the application are in the nature of raising a kind of issue of territorial jurisdiction and contention of the petitioner as it appears from the grounds pleaded before this Court is that the Gopalganj Court will have no jurisdiction. However, apart from that, the petitioner has also pleaded some hardships in pursuing the matter at Gopalganj. It is her contention that she is a working lady and is presently serving at Delhi whereas her parents are staying at Patna and, therefore, if the case is transferred to the Family Court at Patna, she can take appropriate steps to protect her interest.

On the other hand, the learned senior counsel



representing the sole opposite party submits that it is not one of those cases in which the wife and husband are residing at two different places or that the wife has no income or resources to contest the matrimonial suit. The facts of this case would reveal that both the petitioner as well as sole opposite party are presently working at Delhi, however, neither the petitioner nor the sole opposite party are looking for adjudication of their matrimonial disputes at Delhi, perhaps as they are in a transferable job and may not find it convenient to contest at Delhi, once they are transferred from there. In these circumstances, the submission is that if the petitioner wants the case to be transferred to Patna because she would be getting assistance in pursuing the matter through her parents at Patna, such prayer need not be considered because in such circumstance the opposite party would be left with no man power resource to contest the matter at Patna. In fact, the submission of learned senior counsel is that at Patna the opposite party has also got some threat to his life from the family of the petitioner because of the on going matrimonial disputes. He, however, submits that the matrimonial case may be transferred to any other court in the vicinity of Patna which may be easily approachable to both the parties.

The case was adjourned yesterday when in course



of hearing the learned counsel representing the petitioner sought time to seek instructions as to which other place the matter will be transferred. Today, learned counsel has come with an instruction that the case may be transferred to Biharsharif within the District of Nalanda which is at a distance of about 80 Kms. from Patna but because the petitioner has got some of her relatives there also it will be convenient for her to contest the matter at Biharsharif.

On the other hand, learned senior counsel representing the opposite party submits that taking note of the submissions of the petitioner, he would submit that the case be transferred to the Judgeship of Vaishali at Hazipur which is at a distance of hardly 35 Kms. from Patna where the parents of the opposite party may also easily come from Gopalganj but going to Biharsharif will be a very longer distance for the parent of opposite party or the opposite party if compared with the distance which will be required to be covered by the parents of the petitioner or the petitioner herself.

Having heard learned counsel for the petitioner and learned senior counsel representing the sole opposite party and upon going through the records, this Court finds that both the parties are presently living at Delhi and are working there but both of them are dependent upon their family members to contest the



matrimonial suit within the jurisdiction of this Court. Both of them want a convenient place and in this circumstance while the petitioner wants this matter to be transferred to Biharsharif, another suggestion which has come from opposite party is that of the court of Vaishali at Hazipur.

Balancing the interest of both the parties and in the nature of the submissions which have been made at the Bar, this Court is of the considered opinion that the court at Hazipur will be a much convenient place considering that not only it is connected by rail from Delhi but also that the distance between Patna to Hazipur is not more than 35 Kms. If the parents of the petitioner can pursue the matter at Biharsharif at a distance of 80 Kms. the same may be done by pursuing the matter at Hazipur which is situated at lesser distance. The place would also fall in between Patna and Gopalganj. Thus, on this equitable consideration, this Court finds that the Matrimonial Case No. 222 of 2017 presently pending in the court of learned Principal Judge, Family Court, Gopalganj may be transferred to the court of learned Principal Judge, Family Court at Hazipur.

This Court, therefore, orders accordingly, let the records of Matrimonial Case No. 222 of 2017 be transferred from the court of learned Principal Judge, Family Court, Gopalganj



within a period of 15 days from the date of receipt/production of a copy of this order to the court of learned Principal Judge, Family Court at Hazipur.

The application stands disposed off, accordingly.

(Rajeev Ranjan Prasad, J)

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