

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3146 of 2016

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Mamta Gupta, wife of Shri Pappu Kumar Gupta, D/o Shri Mahesh Prasad Gupta, resident of village- Sameli Chandani Chowk (Hospital Road), P.S.- Falka, District- Katihar, at present Gram- Pipra, District- Supaul.

.... Petitioner

Versus

1. Pappu Kumar Gupta, son of Sri Kailash Prasad Gupta, resident of village- Chakla Maula Nagar, P.S.- Falka, District- Katihar.
2. Sh. Mahesh Pd. Gupta S/o late Jaben Pd. Gupta R/o +Vill+P.O. - Pipra, Distt- Supaul.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Amrit Abhijat
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5. 11-09-2018

Heard learned counsel for the petitioner. No one appears on behalf of the opposite parties.

This is an application seeking transfer of Matrimonial Case No. 131/2015 pending in the court of learned Principal Judge, Family Court, Katihar to the court of learned Principal Judge, Family Court, Supaul.

It appears that the husband of the petitioner has filed an application under Section 9 of the Hindu Marriage Act, 1955 seeking restitution of conjugal rights with the present petitioner. The petitioner has however filed a complaint case in the



court of learned Chief Judicial Magistrate, Supaul alleging cruelty and demand of dowry against her husband.

Learned counsel for the petitioner submits that the petitioner is presently residing at her Maikie in the district of Supaul, she is totally dependent upon the income of her father for the purpose of her livelihood.

It is further submitted that she has about 7 years old daughter who is also suffering from illness and has been operated for six times in her stomach. It is submitted that for attending the court at Katihar she would be required to travel at least 120 km. from one side and present condition is that she has to take care of her 7 years old daughter and she is fully dependent upon the income of her father. There is no one in her family to accompany her from Supaul to Katihar to attend the matrimonial suit, it is not possible for her to contest the matter at Katihar.

On the other hand, if the matrimonial suit is transferred to the court at Supaul, she would be required to cover only a distance of 20 km. from her father's place which she would anyhow manage in order to salvage her prestige. Even though opposite party nos. 1 & 2 have appeared in this case, neither the statements made in the application have been



controverted nor anyone appeared to contest the application.

In the given circumstance, considering the pleas of the petitioner, this court finds that it is a fit case in which direction may be issued for transfer of the records from the court of learned Principal Judge, Family Court, Katihar to the court of learned Principal Judge, Family Court, Supaul.

Let the record of Matrimonial Case No. 131/2015 be transferred from the court of learned Principal Judge, Family Court, Katihar to the court of Principal Judge, Family Court, Supaul within a period of 15 days from the date of receipt/production of a copy of this order.

This application is allowed.

(Rajeev Ranjan Prasad, J)

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