

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Miscellaneous Jurisdiction Case No.2603 of 2013**

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Deepa Kumari W/O Sri Rajnish Kumar And D/O Sri Mahavir Saw Resident Of Mohalla- New Taridih, Bogh Gaya, P.S- Bodh Gaya, Distt- Gaya, Presently Residing In Mohalla- Chatti Road, Begusarai, P.S- Begusarai, Distt- Begusarai.

.... .... Petitioner/s

Versus

1. Sri Rajnish Kumar S/O Sri Nandlal Sao Resident Of Mohalla- New Taridih, Bodh Gaya, P.S- Bodh Gaya, Distt- Gaya.
2. Sri Aman Raj S/O Basudeo Prasad Resident Of Mohalla- Salimpur Ahra, Daldali Road, Patna, P.S- Gandhi Maidan, Distt- Patna.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Pankaj Kumar Singh, Adv.

For the O.P. No. 1 : Mr. Anil Chandra, Adv.

For the Respondent/s :

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

11    20-08-2018                      Heard learned counsel for the petitioner and learned counsel representing for the opposite party no. 1.

Petitioner has moved this Court seeking transfer of Matrimonial Case No. 237 of 2012 pending in the court of learned Principal Judge, Family Court, Gaya to the court of learned Principal Judge, Family Court, Begusarai.

The matrimonial case seeking divorce has been brought by the husband of the petitioner who is opposite party no. 1 in the present case. The marriage between the parties was solemnized on 25.06.2010 and thereafter it seems that the parties are not living together and are fighting against each other. It is the



case of the petitioner that she had delivered twin babies on 22.01.2012 at Begusarai. Statements have been made in Paragraph-7 of the application for purpose of transfer of the matrimonial suit which are as follows:-

*“That father of the petitioner Sri Mahabir Saw is an old person who for the present is looking after the petitioner and her two daughters. The petitioner has no income of her own and is burdon with her two, too minor daughters on her old parent and under the circumstances it is not becoming possible for the petitioner to contest the said Matrimonial Case No. 237/2012 in the Family Court, at Gaya, as the route to Gaya from Begusarai where the petitioner for the present is residing with her patent, is not easy and safe for a young lady like the petitioner to visit along with her two small daughters which has put the petitioner in helpless condition.”*

The opposite party no. 1 has, though, appeared but has not denied the statements made in Paragraph-7 of the application. In view of the uncontroverted facts brought to the notice of this Court whereunder this petitioner is said to be residing with her old aged father at Begusarai, she has no income



of her own and has been carrying the responsibilities of two minor daughters, this Court is prima facie satisfied that petitioner may find difficult to contest the divorce suit at Gaya.

In the facts and circumstances of the case, this application is allowed. Learned Principal Judge, Family Court, Gaya is directed to transfer the records of Matrimonial Case No. 237 of 2012 to the court of learned Principal Judge, Family Court, Begusarai within a period of 15 days from the date of receipt/production of a copy of this order.

**(Rajeev Ranjan Prasad, J)**

Arvind/Ved/-

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