

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1748 of 2017

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Sweta Kumari, D/o Sri Raj Kishor Pandit, Resident of Mohalla- North
Rajendra Nagar Gal Mohalla Sanhauli, P.O.- Koshi College, Khagaria, P.S.-
Chitragupta Nagar, District- Khagaria.

.... Petitioner/s

Versus

Parbraham Kumar Sarweshwar, S/o Shaligram Pandit, Resident of Village-
Bari Makanpur, P.O.- Abhiya Bazar, P.S.- Gopalpur, District- Bhagalpur, at
present resident of Village- Khaira Lalchand Tola, P.O.- Khaira, P.S.-
Falka, District- Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar

For the Opposite party/s : Mr. Subodh Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD

ORAL ORDER

5 29-08-2018 This application has been filed seeking transfer of

the Matrimonial Case No.338 of 2016 from the court of learned
Principal Judge, Family Court, Katihar to the court of learned
Principal Judge, Family Court, Khagaria. The matrimonial case
has been brought by the husband of the petitioner for restitution of
conjugal rights.

Learned counsel for the petitioner submits that the
petitioner is having difficulty in moving from Khagaria to Katihar,
she has no source of income and she is fully dependant upon her
parents as also that she has got apprehension of her life at Katihar.

Learned counsel representing the opposite party
referring to his reply submits that in fact the petitioner is harassing



this opposite party and has filed a police case under Section 498-A of the Indian Penal Code at Khagaria. The petitioner was threatened through SMS to put a sum of Rs.1,50,000/- in the account of the petitioner, failing which the petitioner would again file a complaint with the police and under threat of such message the opposite party has transferred a sum of Rs.1,50,000/- in the bank account of the father of the petitioner. Proof of such transfer has been brought on record by way of statement of the bank account enclosed as Annexure-B to the reply. It is submitted that if the opposite party is compelled to go to the court at Khagaria, he would be further implicated in some more cases in order to squeeze money from him and that is the sole intention of the petitioner. In paragraph 4 of the reply, it is stated that the distance between Katihar to Khagaria is about 40 kms and both the places are well connected by train and bus facility.

Having heard learned counsel for the petitioner and learned counsel representing the opposite party and taking note of aforementioned facts wherein it appears to this Court that the opposite party has already made available sufficient money to the petitioner for the present and in such circumstance the petitioner cannot say that she has no financial assistance and is dependant upon her parents. This Court also finds that the distance between



these two places is only 40 kms and the fact that both the places are well connected has not been disputed. One additional fact which has been disclosed by the opposite party in his reply is that father and other close relatives of the petitioner are in military service and they reside in main town of Khagaria where complaint case has been filed by the petitioner against the opposite party, this Court is also inclined to accept for the present purpose the submission of the learned counsel for the opposite party that in the given circumstance the opposite party has a reasonable belief that in case he visits Khagaria of and on in connection with the present case, he may be further implicated in some more cases.

For the reasons aforementioned, this Court is not willing to accept the prayer of the petitioner. This application is dismissed.

(Rajeev Ranjan Prasad, J)

Arvind/-

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