

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1863 of 2017

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Suman Devi, W/o Sri Suraj Mandal, D/o Sri Ajay Kumar, Resident of Gulabbagh, P.S. Sadar, District- Purnea presently residing at Lakhan Niwas, Noorpur, P.S. Nath Nagar, District- Bhagalpur - 812006.

.... Petitioner

Versus

Suraj Mandal, S/o Sri Mohan Lal Mandal, resident of Village- Gulabbagh, Lohapatti, P.S. Sadar, District- Purnea.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Gautam Kumar Kejriwal

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

5 20-11-2018

Heard learned counsel for the parties.

Petitioner in the present case is seeking transfer of Matrimonial Case No. 56 of 2016 presently pending in the Court of learned Principal Judge, Family Court, Purnea to the Court of learned Principal Judge, Family Court, Bhagalpur.

Learned counsel for the petitioner submits that after marriage between the parties, the petitioner was subjected to certain acts of cruelty, she was physically harassed and was ultimately thrown out of the matrimonial home on 05.05.2016. It is submitted that the petitioner has been forced to stay at her parents place at Nath Nagar, Bhagalpur. Learned counsel submits that the Matrimonial Case has been brought by her husband (opposite



party) seeking annulment of marriage and at this stage, in the given circumstance, the petitioner is unable to put an effective contest to the said matrimonial suit because she is living at Bhagalpur at a distance of not less than 140 Km from one side from the Court at Purnea.

Learned counsel has further submitted that the petitioner has no independent source of income and she is fully dependant on her father who is a poor man and earns his livelihood from a petty job of compounder at a test lab, at Bhagalpur.

On the other hand, learned counsel representing the opposite party has opposed the prayer of the petitioner and submits that the Matrimonial Case has been brought by the husband in certain compelling circumstances which is stated in Paragraph Nos. 6 and 7 of the plaint of the Matrimonial Case filed before the learned Principal Judge, Family Court, Purnea. Learned counsel has also submitted that the allegation of cruelty, demand of dowry and torture are false as has been made by the present petitioner only for the purpose of the present case.

In the given facts and circumstances of the case, this Court finds that there is no contest to the averments made in the application of the petitioner as to the fact that she is presently living



at about 140 K.M from one side, she has no independent source of income and is presently living on the income of her father who is a poor man and is somehow earning his livelihood with a petty job of compounder, this Court is willing to transfer the records of Matrimonial Case from the Court of learned Principal Judge, Family Court, Purnea to the Court of learned Principal Judge, Family Court, Bhagalpur as according to this Court such exercise would be in the interest of justice.

This application is allowed.

Let the records of Matrimonial Case No. 56 of 2016 be transferred from the Court of learned Principal Judge, Family Court, Purnea to the Court of learned Principal Judge, Family Court, Bhagalpur within a period of 15 days from the date of receipt/production of a copy of this order.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/Ved/-

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