

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3406 of 2017

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Neha Kumari Wife of Sri Mrityunjay Kumar, daughter of Sri Balwant Jha
Resident of village : Birpur, Police Station - Birpur, District - Begusarai.

.... Petitioner

Versus

Mrityunjay Kumar son of Late Shankar Prasad resident of village :
Mohanpur, Police Station - Begusarai Town in the district of Begusarai
presently residing in Mohalla - Shivnagar, police station - Beur in the
district of Patna.

.... Respondent

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Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5. 19-11-2018 Heard learned counsel for the petitioner and
learned counsel for the opposite party-husband.

The present application has been preferred
seeking transfer of Matrimonial (Divorce) Case No.
262/2017 presently pending in the court of learned Principal
Judge, Family Court, Patna to the court of learned Principal
Judge, Family Court, Begusarai.

Learned senior counsel representing the
petitioner submits that the divorce case has been brought
against her on false and flimsy allegations and she would
like to contest the allegations, but because the case has been
lodged at Patna and she is presently living at Begusarai, it is
not possible for her to put an effective contest to the matter.



It is further submitted that the petitioner has already been deserted by her husband, she has presently no source of income and she is somehow carrying on herself with the aid and support of her old aged father who is also in difficulty to maintain her expenses.

Learned senior counsel has relied upon the judgment of the Hon'ble Supreme Court in the case of **Rakhi Banarjee vs. Shanker Mukherji reported in 2008 (17) SCC 59** to contend that in a given circumstance it would be appropriate to transfer the case to a place of convenience for the wife.

In this case notice was issued to the opposite party but despite valid service of notice no one has appeared to contest the present application.

In the given facts and circumstances of the case where this court finds that the petitioner has no source of income as stated by her and that she is presently living at Begusarai and it would not be possible for her to put an effective contest to the divorce case at Patna, this court would direct transfer of Matrimonial (Divorce) Case No. 262/2017 from the court of learned Principal Judge, Family Court, Patna to the court of learned Principal Judge, Family



Court, Begusarai.

Let the record of the aforesaid matrimonial (divorce) case be sent 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.

With the aforesaid directions, this application stands allowed.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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