

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1676 of 2017

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Sunita Kumari, Daughter of late Suresh Kumar Patel, Wife of Pankaj Kumar, resident of Bhatta Bazar, Jhanda Chowk, P.S.-Chowk Naka, District-Purnea.

.... Petitioner/s

Versus

Pankaj Kumar, son of Sri C.M. Mandal, resident of C-293, PTS Stage-II, Mohalla-Deepti Nagar NTPC Kahalgaon, P.S.-N.T.P.C. Kahalgaon, District-Bhagalpur, Bihar-813214

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Respondent/s : Mr. Ranjeet Ranjan

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 31-08-2018 Heard learned counsel for the petitioner and learned counsel representing the opposite party.

Petitioner is seeking transfer of Matrimonial Case No.204 of 2015 presently pending in the court of learned Principal Judge, Family Court, Bhagalpur to the court of learned Principal Judge, Family Court, Purnea.

Learned counsel for the petitioner has mainly come out with a ground for seeking such transfer being a threat to the safety and security of the petitioner if she is called upon to appear in the court at Bhagalpur. Attention of this Court has been drawn towards Annexure-3 which is a copy of the petition said to have been filed on behalf of the present petitioner in the court of learned Principal Judge, Family Court, Bhagalpur. She has alleged



that when she went to make Pairvi in the case, the applicant along with 3-4 unknown persons stopped her outside the court and threatened her with dire consequences if she would come to attend the court again. Apart from that ground it has also been pleaded that the petitioner has her old age mother living with her and she would be required to take care of her mother and that will be a reason that her convenience be taken care of. Learned counsel for the petitioner has relied upon a judgment of the Hon'ble Apex Court in the case of **Rina Bahri Vs. Ajay Bahri** reported in **(2002) 10 SCC 136** wherein taking note of the fact that the wife had a child approximately three years old with her in Bombay and that she had no source of income and no one to travel with her from Bombay to Delhi, the Hon'ble Supreme Court had been pleased to direct transfer of the case from Delhi to the Court at Navi Mumbai. Learned counsel has also placed reliance on a judgment of a learned coordinate Bench of this Court in the case of **Smirti Singh @ Smriti Singh Vs. Anupam Ranjan** reported in **2011(2) PLJR 989** wherein taking note of the facts of the case wherein it was a case of the wife-petitioner that the opposite party is a son of advocate at Patna and had been torturing and threatening her right from beginning and that she was living at Madhepura this Court directed for transfer of the matrimonial suit.



The submission of the learned counsel for the petitioner has been contested by learned counsel representing the opposite party. It is brought to the notice of this Court that the petitioner is a senior manager in Bank of India and is presently posted at Goa. The parties have no child. The wife has independent source of income and the ground taken by her alleging that her husband had given her threat during her visit to Bhagalpur court is a palpably false statement and such ground has been created only for the purpose of this case.

Having heard learned counsel for the parties and going through the records as also the judgments of the Hon'ble Supreme Court and this Court as well, what has been found is that the present case has certain distinguishing nature of facts. The petitioner in the present case is said to be a senior manager in a bank posted at Goa. She has independent source of income and it is not her case that for any other reason save and except that she has to look after her old age mother and the alleged threat perception she would have difficulty in attending the case at Bhagalpur. The alleged threat perception cannot be relied upon by this Court at this stage when neither any enquiry has been made in this regard nor any facts have been crystallized based on the allegations made in the petition filed by the petitioner. In the



present circumstance, this Court does not find any reason to transfer the case from the Bhagalpur to Purnea because in any case the petitioner will have to contest the case from her present place of posting itself and given a kind of reason which she has, if she can contest the case at Purnea this Court does not find any valid reason as to why she cannot pursue this matter at Bhagalpur.

The application is dismissed.

(Rajeev Ranjan Prasad, J)

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