

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.419 of 2017

In
C.Misc. 165 of 2017

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Sumita Shree, wife of Brijesh Kumar, resident of Mohalla –
Raj Guru Chowk, P.S. – Bettiah Town, District – West
Champaran, Daughter of Sudhir Das, at present resident of
Laxmi Apartment, 306/A, New Chitragupta Nagar, P.S. –
Kankarbagh, District – Patna.

.... Petitioner

Versus

Brijesh Kumar, son of Naga Ram, resident of Raj Guru
Chowk, P.S. – Bettiah Town, District – West Champaran.

.... Respondent

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5. 28-08-2018

Heard learned counsel for the parties.

Learned counsel for the petitioner has pointed out from the statements made in the application showing that this petitioner has no family member to accompany her to the court at Bettiah, the parents of the petitioner are said to be physically handicapped and infirmed and further she has raised a plea of danger to her life as she is being regularly threatened by her in-laws for withdrawing the complaint case which she had filed at Patna. One of the grounds taken for transfer of the case is that the opposite party is employed at Rajendra Agriculture University, Pusa and he is posted at Darbhanga, yet he has preferred to file a matrimonial case at Bettiah and not at Darbhanga.

It is submitted that the distance from Darbhanga to



Patna is not more than the distance from Darbhanga to Bettiah and therefore if the case is transferred to Patna, the opposite party will not have any hardship in pursuing the matter.

On the other hand, learned counsel representing the opposite party submits that earlier the present petitioner had preferred a complaint case at Patna but because no part of the cause of action had arisen at Patna, the same has been returned to her and now the complaint case has been filed at Bettiah. It is submitted that the matrimonial case is fixed for evidence and now only one witness on behalf of the opposite party is required to be examined in the matrimonial case.

It is submitted that the petitioner is getting interim maintenance from the opposite party.

Having heard learned counsel for the parties and on perusal of the records, this court finds that so far as the case of the petitioner that her parents are handicapped and she has no elder person in the family to accompany her to Bettiah on the date fixed in the matter have not been controverted by the opposite party. It is also not controverted that the opposite party is presently serving at Darbhanga which is at equal distance from Bettiah to Patna. While it is true that the evidence has already begun in the matter and the petitioner is also getting interim maintenance, but taking note of the difficulties which have been expressed by the petitioner in attending the court at Bettiah, for the reasons discussed



hereinabove, this court is of the opinion that the matrimonial case be transferred from the court of Principal Judge, Family Court, Bettiah to the court of learned Principal Judge, Family Court, Patna. Let the records of Matrimonial Case No. 391/2012 be transferred to the court of learned Principal Judge, Family Court, Patna within a period of 15 days from the date of receipt/production of a copy of this order.

The application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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