

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3513 of 2016

=====

Bandana Kumari @ Bandana Devi, wife of Sri Rajesh Ranjan, daughter of Sri Vinay Kumar Jha, resident of village - Jaideopatti, P.S. - Ghanshyampur, District - Darbhanga ; at present residing at village - Adharpur, P.S. - Ghanshyampur, District - Darbhanga.

.... Petitioner/s

Versus

Rajesh Ranjan, son of Sri Hari Mohan Mishra, resident of village - Jaideopatti, P.S. - Ghanshyampur, District - Darbhanga at present residing at Flat No. 403 A, Lekh Raj Parishar, Road No. 3, East Patel Nagar, P.S. Shastri Nagar, District - Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Krishna Kumar, Adv.

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

5 24-08-2018 Heard learned counsel for the petitioner and learned counsel representing the Opposite Party.

The petitioner is seeking transfer of Matrimonial (Divorce) Case No.836 of 2016 from the Court of learned Principal Judge, Family Court, Patna to the Court of learned Principal Judge, Family Court, Darbhanga.

Learned counsel for the petitioner submits that after solemnization of marriage between the petitioner and the Opposite Party on 13.06.2014 at Darbhanga, only after a month the petitioner came back to her Maikhe for performing a local festival for newly married girls known as Madhu Shrawani, the family of



the Opposite Party started demanding dowry and they did not take any interest in the Vidai of this petitioner. Despite several efforts made by her family members the Opposite Party did not come back to take her to Sasural. It is submitted that all of a sudden a notice of the divorce case was received by the petitioner from which it appears that the Opposite Party has filed a Matrimonial Case seeking divorce in the Family Court at Patna. It is submitted that the petitioner is a young lady having nobody else in her family at Darbhanga to accompany her from Darbhanga to Patna on the dates fixed in the matter. The father of the petitioner is said to be working at Delhi and her only brother is studying at Patna. The petitioner is residing with her mother and younger sister at Darbhanga and presently since the year 2014 the Opposite Party has not paid a single paisa to take care of her maintenance. In want of money the petitioner is unable to travel and engage a Lawyer at Patna as a result whereof, the Matrimonial Case at Patna got fixed ex-parte and only at this stage when the petitioner could manage filing of this application with the help of his near relations, the proceeding could be stayed and this petition has been preferred seeking transfer of the application. It is submitted that the petitioner has no source of income at all and traveling from remote rural area which situates at about 55 Kms. from Darbhanga, it



would not be possible for her to contest the case.

On the other hand, learned counsel representing the Opposite Party submits that the brother of the petitioner is living at Patna and, therefore, there is no difficulty for the petitioner in pursuing her case at Patna. Learned counsel, however, admits that presently no maintenance amount is being paid but according to him, the petitioner can seek her remedy towards maintenance by filing an appropriate application in the proceeding before the Family Court at Patna whereunder she can seek maintenance.

Having heard learned counsel for the petitioner and learned counsel representing the Opposite Party, in the facts of the present case which are also admitted facts that the petitioner is living in remote village situated at a distance of about 55 Kms. from Darbhanga and that she is not paid any maintenance from the year 2014 and it could not become possible for her to make appearances in the Matrimonial Case at Patna for the reasons aforesaid, this Court is of the considered opinion that the Matrimonial (Divorce) Case No.836 of 2016 pending in the Court of learned Principal Judge, Family Court, Patna be transferred to the Court of learned Principal Judge, Family Court, Darbhanga within a period of 15 days from the date of receipt/production of a copy of this order. After transfer of the records to the Family



Court at Darbhanga, the petitioner will be at liberty to file appropriate application for recall of the order fixing the Matrimonial Case ex-parte and thereupon the Family Court at Darbhanga shall pass an appropriate order taking into consideration the circumstances of the case and shall proceed accordingly. The petitioner will also be at liberty to file appropriate application seeking maintenance, the cost of traveling expenses and cost of litigation etc. in accordance with law.

The application stands disposed off, accordingly.

(Rajeev Ranjan Prasad, J)

Arvind/R.R.Ojha

U			
---	--	--	--

