

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1179 of 2016

In

Matrimonial Reference No. 1109 of 2015

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Khushboo@ Khushboo Kumari Gupta W/o Shambhu Sah, D/o
Jairudra Prasad Gupta r/o Vill.- Barwa Lakhaura, P.S.- Lakhaura,
Distt.- East Champaran

.... Petitioner/s

Versus

Shambhu Sah s/o Ramakant Sah, Resident of Mohalla- New
Jakkanpur Shiv Mandir, Goriya Math, P.S.- Jakkanpur, Distt. Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Opposite Party/s : None

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD**

ORAL ORDER

9 31-08-2018 Heard learned counsel for the petitioner. No one
appears on behalf of the opposite party.

An affidavit has been filed by the petitioner stating
therein that she is presently living at her Maikie at village-Barwa



Lakhaura, P.S.-Lakhaura, District-East Champaran at Motihari along with her parents. She has undertaken to appear and cooperate in disposal of the matrimonial case by putting her appearance on each and every date whenever the case will be fixed before the learned Principal Judge, Family Court, East Champaran at Motihari. Earlier this Court vide its order dated 13.08.2018 while taking note of the arguments advanced on behalf of the petitioner had directed for filing of the affidavit which has been filed today.

Petitioner is seeking transfer of the Matrimonial Divorce Case No.1109 of 2015 from the court of learned Principal Judge, Family Court, Patna to the court of learned Principal Judge, Family Court, East Champaran at Motihari. Apart from the pleadings the other facts which have given rise to the present case, the petitioner has submitted before this Court that she is the victim lady having no source of income to face the matrimonial case at Patna court which is far away at a distance of about 180 kms from her house. She has submitted that she is also suffering from mental problem because of the on-going matrimonial discords and perhaps it would not be safe for her to visit Patna on each and every date to contest this matrimonial suit.

The prayer of the petitioner has been contested by



the opposite party by filing a counter affidavit. The main contest of the opposite party is based on his submission that the petitioner is making a false statement that she is living in Barwa Lakhaura and further that she has no independent source of income. The opposite party has disclosed in his reply that this petitioner had been working in an establishment at New Delhi and was earning about Rupees four lacs yearly. It was in the aforesaid view of the matter that this Court had directed the petitioner to file an affidavit.

Going through the affidavit filed today now this Court is of the considered opinion that the petitioner has been able to make out a case for transfer of the matrimonial suit from the court of learned Principal Judge, Family Court, Patna to the court of learned Principal Judge, Family Court, East Champaran at Motihari. Even otherwise, the opposite party has not appeared to contest what has been stated in the affidavit by the petitioner.

Let the records of Matrimonial Divorce Case No.1109 of 2015 be transferred within a period of fifteen days from the date of receipt/production of a copy of this order from the court of learned Principal Judge, Family Court, Patna to the court of learned Principal Judge, Family Court, East Champaran at Motihari.



This application is allowed accordingly.

(Rajeev Ranjan Prasad, J)

Arvind/-

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