

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Miscellaneous Jurisdiction Case No.684 of 2018**

=====

Nishu Kumari wife of Pankaj Kumar Sinha D/o Nageshwar Singh, resident of village + P.O. – Bhedriya, P.S. – Chandi, District – Nalanda at present of resident of village – Ranipur Chakiya, P.O. – Begampur, P.S. Bypass, District – Patna.

.... .... Petitioner

Versus

Pankaj Kumar Sinha son of Brind Kumar Sinha, resident of village + P.O. – Bheriya, P.S. Chandi, District – Nalanda.

.... .... Respondent

=====

**Appearance :**

For the Petitioner : Mr. Kumar Rajeev, Adv.  
Mr. Binay Kumar Singh, Adv.

For the O.P. No. 2 : Mr. Sanjay Kumar, Adv.

=====

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

4      13-09-2018

Heard learned counsel for the parties.

This application has been preferred seeking transfer of Divorce Case No. 287 of 2017 pending in the court of learned Principal Judge, Family Court, Nalanda at Biharsharif to the court of learned Principal Judge, Family Court, Patna.

Learned counsel for the petitioner submits that the petitioner is presently residing with her widow mother at Patna. Her only brother is studying and doing part time job to meet the necessities of the family. It is submitted that the petitioner has no independent source of income and despite the fact that the opposite party is well placed and getting handsome amount of salary from service. Presently no maintenance amount is being



paid to the petitioner. It is submitted that in this condition it would not be possible for her to give an effective contest to the divorce case filed against her at Biharsharif.

On the other hand, learned counsel representing the opposite party submits that the opposite party is working on Ship and he returns home at the end of 2-3 months only. In these circumstances the case has been brought at Biharshaif where his father is there to look after the paravi of the case, in such condition if the records are transferred to the court at Patna, it will be difficult for him to pursue the matter.

At a belated stage in the course of argument the learned counsel for the petitioner tried to make a submission that there is a threat perception to the opposite party.

Having heard learned counsel for the parties and on perusal of the records, this Court finds that the statement of the petitioner has not been controverted by the opposite party in specific terms by filing a reply. It is not denied that the petitioner is living with widow mother at Patna. It is also not denied that she has only brother who is presently studying and is also doing part time job to earn his livelihood for the family. Even though learned counsel for the opposite party has attempted to raise issues of threat perception, this Court would reject the same at outside



finding that there is no whisper of such perceptions by filing any pleading and supporting the same with some cogent materials. A mere bald submission saying that the opposite party has threat perception cannot be entertained.

In the given facts and circumstance, to meet the ends of justice, this matrimonial case is required to be transferred. Let the records of the Divorce Case No. 287 of 2017 be transferred from the court of learned Principal Judge, Family Court, Nalanda, Bihar Sharif to the court of learned Principal Judge, Family Court, Patna.

This application is allowed. The records be transferred within 15 days from the date of receipt/production of a copy of this order.

**(Rajeev Ranjan Prasad, J)**

Ved/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

