

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1366 of 2018

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Ritika Sinha Wife of Rajeev Ranjan, Resident of Village Mohiuddinpur @ Mahaddipur, P.S. Sakra, P.O. Dholi, District- Muzaffarpur, at present residing with her father at her Naihar Place-C/o Dr. Chaturgun Singh, Resident of Village Sondhila, District Buxar, at the time of marriage residing at Flat No.06, Road No. 03, Bihar Veterinary College Campus, Patna- 14, presently resided at Nav Vikash Colony, Phase-II, Opposite Ganpati Marriage Hall, Near Bandhan Bank adjacent to Shiv Mandir, Ashiana- Digha Road, Patna- 800025.

.... Petitioner

Versus

Rajeev Ranjan, son of Shri (Er.) Ram Jiwan Mehta, Resident of Village Mohiuddinpur @ Mahaddipur, P.S. Sakra, P.O. Dholi, District- Muzaffarpur, at present working in American Airlines, residing at 205, Cimarron TRL 1 Irving, Country Dallas, Texas, 75063- U.S.A, Mob. No. 9430614110.

.... Respondent

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Appearance :

For the Petitioner : Mr. Chandra Mohan Singh, Adv.
For the Opposite Party : Mr. Arum Kumar, Adv.
Mr. Deepak Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 12-09-2018

Heard learned counsel for the parties.

Counter affidavit filed on behalf of opposite party be taken on record.

This application has been preferred seeking transfer of Matrimonial Divorce Case No. 56 of 2018 pending in the court of learned Principal Judge, Family Court, Muzaffarpur to the court of learned Principal Judge, Family Court, Patna.

Learned counsel for the petitioner submits that the opposite party tortured the petitioner. It is submitted that after



marriage the opposite party left for America (U.S.A.) without taking this petitioner with him and since then for last about 13 years, this petitioner is depending on her old parents. Father of the petitioner is said to have retired from service long back and the two brothers of the petitioner are earning their livelihood by way of employment outside State of Bihar. The petitioner has no independent source of income and she is not getting any maintenance from her husband. It is submitted that in these condition it is not possible for petitioner to put her effective contest to the divorce case who brought by her husband at this stage in the court at Muzaffarpur.

On the other hand, learned counsel for the opposite party has opposed the prayer saying that the petitioner does not deserve any leniency. It is stated that in fact it is the petitioner who has not shown any interest in the marriage. Further as per direction of learned Family Court, Muzaffarpur opposite party has deposited Rs. 400/- as traveling cost to the petitioner.

Having heard learned counsel for the petitioner and the opposite party and noticing to the hardships of the petitioner, in the interest of justice this Court finds it a fit case for transfer from the court at Muzaffarpur to the court of at Patna.

The plea of the petitioner would prevail over the plea



of the opposite party in the present case.

In the given circumstance which has been narrated by learned counsel for the petitioner, if the records are not transferred, the petitioner is correct in saying that it would not be possible for her to contest the matter.

Let the records of Matrimonial Divorce Case No. 56 of 2018 pending in the court of learned Principal Judge, Family Court, Muzaffarpur 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.

This application stands allowed, accordingly.

(Rajeev Ranjan Prasad, J)

Ved/-

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