

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.676 of 2018

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Kumari Swetta @ Shweta Kumari @ Sweta Devi @ Sweta Kumari, W/O Shri Radheshyam Tiwary, D/O Shri Ramnarayan Tiwary, resident of Village-Nenua, P.S.-Dumraon, District-Buxar, at present residing at Mohalla-Gorakshini, Near Over Bridge Sasaram, P.S.-Sasaram, District-Rohtas.

.... Petitioner/s

Versus

Radheshyam Tiwary, S/o Shri Bihari Tiwary, Resident of Village+ P.O.-Nenua, P.S.-Dumraon, District-Buxar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suresh Mishra, Adv.

For the Opposite Party/s : Mr. Manoj Kumar, Adv.

Mr.Shree Kant Pandey, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 25-10-2018

In the present case, petitioner is seeking transfer of Matrimonial Case (Divorce) No.199 of 2017 from the court of learned Principal Judge, Family Court, Buxar to the court of learned Principal Judge, Family Court, Rohtas at Sasaram.

Learned counsel for the petitioner submits that the petitioner is presently residing with her parents. Her father is an old age person whereas the mother is a school teacher. The petitioner has completed her education up to Post-Graduation level. However, she is presently not in any job and not earning her livelihood. It is submitted that, in the given facts and circumstances, the case in question be transferred from Buxar to Sasaram which will be a convenient place for the petitioner to



contest the case.

On the other hand, learned counsel representing the opposite party no.2 submits that the petitioner has lodged a criminal case under Sections 498A, 504 and 506/34 of the Indian Penal Code as also under Sections 3/4 of the Dowry Prohibition Act at Sasaram. It is further submitted that pursuant to an amicable settlement a sum of Rs.12 lacs has already been transferred in the account of the petitioner. However, even after transfer of said Rs.12 lacs, the petitioner is not cooperating in the matter of amicable settlement. It is further submitted that as per the order of the Court which has been taken note of by the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No.2961 of 2017 the opposite party undertakes to pay the maintenance amount to the petitioner. It is submitted that the maintenance case has recently been brought by the petitioner in which an order for ad-interim maintenance is still to be passed.

Having heard learned counsel for the parties and on perusal of the records, this Court finds that in the present case the petitioner is Post-Graduate and distance between Buxar to Rohtas at Sasaram is 100 kms. Moreover, the opposite party has already transferred a sum of Rs.12 lacs in the account of the petitioner and has undertaken to pay her the maintenance amount, the hardship is



not such that it requires interference by this Court. The opposite party is moreover claiming that by virtue of an amicable settlement a sum of Rs.12 lacs has already been paid to the petitioner.

In the given facts and circumstances of the case, this Court does not find any issue of interest of justice involve in this case which may warrant transfer of the present proceeding from the court of Buxar to the court of Rohtas at Sasaram.

This application is dismissed.

(Rajeev Ranjan Prasad, J)

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