

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.376 of 2018

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Priti Kumari @ Preeti Kumari, D/o Late Ashok Singh @ Ashok Prasad Singh, W/o- Nishant Kumar, Resident of Village-Ramsen Tola (Ward No.5), Barhiya, P.O.+ P.S.-Barhiya, District-Lakhisarai.

.... Petitioner

Versus

Nishant Kumar S/o Late Balmiki Prasad Singh, Resident of Mohalla-North Shivpuri, Ramchandrapur, P.O.-Biharsharif, P.S.-Laheri, District-Nalanda.

.... Respondent

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Appearance :

For the Petitioner/s : Mr. Onkar Nath, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

3 13-09-2018

Heard learned counsel for the parties.

This application has been preferred seeking transfer of Matrimonial (Divorce) Case No. 231 of 2017 pending in the court of learned Principal Judge, Family Court, Nalanda to the court of learned Principal Judge, Family Court, Lakhisarai.

Learned counsel for the petitioner submits that the marriage between the parties took place in the year 2012, now by filing a divorce petition in the year 2017 it is being alleged for the first time that the opposite party was married with the petitioner at the pistol point and it was a forceful marriage.

Admittedly, the opposite party was an employee at Bihar Gramin Bank serving at the place of the petitioner when the marriage was solemnized. Now that he has brought a divorce case at Bhiarsharif, in a present family condition of the petitioner where



her father has already passed away, mother is only member with her even as her two brothers are residing outside State in connection with their employment, it would not be possible for her to pursue this case effectively at Biharsharif.

Learned counsel submits that the petitioner has no independent source of income and she is totally dependant upon her paternal family because at this stage the opposite party is not paying any maintenance.

On the other hand, learned counsel representing the opposite party has mainly centered his argument around a threat perception which the opposite party perceives at Lakhisarai. It is submitted that the opposite party is serving as an employee of the bank at Biharsharif and therefore for him visiting Lakhisarai court on the date fixed in the matter that too under a threat will be very difficult.

Having heard learned counsel for the parties and on perusal of the records, this Court finds that there is no chit of paper or any other material in any form suggesting that at any point of time the opposite party was threatened by any of the family members of this petitioner.

Learned counsel for the petitioner has categorically stated that the father of the petitioner is no more and her two brothers are also residing outside State in connection with their



employment and they are serving at a far distant place in the State of Assam and in the State of Orrisa, presently the petitioner is residing with her old age mother and there is no member in the family to accompany her from her place of residence to the court at Biharsharif on the date fixed in the matter. Further she has no source of income, opposite party is not paying any maintenance is also one of the grounds which this Court will consider in favour of the petitioner.

Considering the circumstance and the materials available on the record, this Court finds that in the interest of justice in order to enable to contest the matter effectively this matrimonial case is required to be transferred to the court at Lakhisarai.

Let records of Matrimonial (Divorce) Case No. 231 of 2017 pending in the court of learned Principal Judge, Family Court, Nalanda be transferred to the court of learned Principal Judge, Family Court, Lakhisarai within a period of 15 days from the date of receipt/production of a copy of this order.

The application stands disposed off.

(Rajeev Ranjan Prasad, J)

Ved/-

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