

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3325 of 2017

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Shashi Prabha Kumari, W/o Saurabh Kumar, D/o Late Ram Ekbal Singh,
Resident of Village- Matiyapur, P.O.- Kayam Nagar, P.S. Koilwar and
District- Bhojpur, in Code 802314.

.... Petitioner/s

Versus

Saurabh Kumar, S/o Sri Ramesh Chandra, R/o at Shiv Sadan Mohanpur,
Punaichak, Near Pump House, P.O. Rajbanshi Nagar, P.S. Shastri Nagar,
District Patna Pin Code No. 800023 and permanent Resident of Village-
Sachai, P.O. + P.S. Kurtha, District- Arwal, Pin Code- 804427.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD

ORAL ORDER

7 29-10-2018

This application has been preferred seeking transfer of the Matrimonial Case No.547 of 2017 (Divorce) from the court of learned Principal Judge, Family Court, Patna to the court of learned Principal Judge, Family Court, Arra. The grounds set-forth for transfer of the matrimonial case are as under:-

(i) The petitioner is a very poor and helpless lady, she depends on her brother;

(ii) The petitioner has no independent source of income and presently the opposite party is not paying her any maintenance;

(iii) The opposite party has filed the matrimonial case at Patna whereas the petitioner is presently



residing in her native village in the district of Arra and because of the economical crisis it is not possible for her to take traveling from Arra to Patna on each and every date and to contest the matter effectively at Patna.

A counter affidavit has been filed on behalf of the opposite party in which he has taken a plea that the petitioner is an educated lady with qualification of M.A. and Diploma in E.L. Education and she is presently earning Rs.25,000/- per month by way of private tuition. It is further alleged that because of filing of the criminal case and false implication of the entire family members, they were sent to jail on the allegations of domestic violence and dowry demand. It is these circumstances which compelled the opposite party to file a divorce case at Patna. It is also stated that the distance between Patna and Arra is hardly 55-60 kms and it takes only one hour by train from one place to another place. Apart from that it is pleaded that the petitioner has got five brothers and on 13.11.2017 they had even assaulted the opposite party for which Pirbahore P.S. Case No.204 of 2018 has been lodged.

In her rejoinder to the reply the petitioner has admitted that she is an educated lady with qualification of M.A.



and Diploma in E.L. Education, but has denied the statement with regard to her earning.

Considering the facts and circumstances of the case where it appears to this Court that the distance between Patna to Arra is hardly 50-55 kms, the petitioner is an educated lady and there are also statements made that she is doing private job which is not emphatically denied by her, this Court does not find any reason to direct transfer of the matrimonial case from Patna to Arra.

The application is dismissed.

(Rajeev Ranjan Prasad, J)

Arvind/-

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