

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1765 of 2017

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Suman Kumari, W/o Ranjit Sahi, D/o Sheo Prasan Prasad, at present resident of Village + P.O. + P.S.- Rajpur, Distirct- Rohtas.

.... Petitioner/s

Versus

Ranjit Sahi, son of Gopal Prasad, resident of Village- Shahpur Pokhra, P.S.- Town Aurangabad, District- Aurangabad (Bihar).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

4 29-08-2018 Heard learned counsel representing the petitioner and learned counsel representing the State.

Petitioner, in the present case, is seeking transfer of the Matrimonial Case No.104 of 2016 pending in the court of learned Principal Judge, Family Court, Aurangabad to the court of learned Principal Judge, Family Court, Sasaram.

It is the contention of the learned counsel representing the petitioner that she is presently residing at her native place at Rajpur, Bikramganj which is about 60-70 kms away from the Family Court at Aurangabad and it is not possible for her to travel alone and attend the court on the dates fixed in matter without much inconvenience. Her father and brothers are pre-occupied of their personal work and moreover she has no



source of income also to spend huge expenditures which is required for attending the case at Aurangabad. It is stated that till date the opposite party is not paying any maintenance and has not bothered to know about the fate of the petitioner.

The statements made in the application preferred by this petitioner have not been controverted by the opposite party. In course of hearing, learned counsel for the opposite party has only submitted that the distance between Aurangabad and Bikramganj is not too far and the plea of inconvenience taken by the petitioner is not tenable.

Having heard learned counsel for the parties, this Court is of the opinion that the distance between two places alone is not a factor to be considered for purpose of transfer of matrimonial case. There are several other reasons which this Court has to keep in mind while considering the application. The petitioner has stated that she lives 60-70 kms away from the Family Court at Aurangabad, she has no male member to accompany her so that she can safely visit the court, moreover she is not getting any maintenance and the opposite party has not taken care of to know her fate during all these periods. The fact that the petitioner is not getting any money and has no other source of income has not been denied.



This Court is of the considered opinion that, in the given facts and circumstances, the matrimonial case is required to be transferred. It is ordered accordingly. Let the records of Matrimonial Case No.104 of 2016 filed by opposite party in the court of learned Principal Judge, Family Court, Aurangabad be transferred to the court of learned Principal Judge, Family Court, Sasaram within a period of 15 days from the date of receipt/production of a copy of this order. It is further ordered that after transfer of the records at Bikramganj, Rohtas whenever the dates are fixed in the matter and the petitioner appears in court, the opposite party shall be obliged to pay a sum of Rs.500/- on each date to take care of traveling and fooding expenses of the petitioner. Such payments be made in presence of the Presiding Officer of the court and be recorded accordingly in the order-sheet of the case. Since the petitioner is seeking restitution of conjugal rights, such payments would only be in consonance with the intention if bonafide to restore conjugal rights.

The application stands disposed off with the observations and directions made above.

(Rajeev Ranjan Prasad, J)

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