

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3368 of 2017

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Chanda Choudhary, Wife of Sri Akhilesh Choudhary, and Daughter of
Viveka Nand Mishra, Resident of Village- Nayagaon, P.S.- Raiyam,
District- Darbhanga.

.... Petitioner/s

Versus

Akhilesh Choudhary, Son of Sri Bindeshwer Choudhary, resident of
Village- Kakraul, P.S.- Rahika, District- Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha

For the Respondent/s : Mr. Subhash Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

5 04-10-2018 Petitioner is seeking transfer of the Matrimonial

Case No.43 of 2017 from the court of learned Principal Judge,

Family Court, Madhubani to the court of learned Principal Judge,

Family Court, Darbhanga.

The main ground taken for seeking such transfer is
threat being perceived by the petitioner in attending the court at
Madhubani. She has three years old son and has no independent
source of income. It is further stated that the petitioner is suffering
from financial crisis due to apathetic attitude of the opposite party
who is a teacher in a government middle school.

The opposite party has filed a reply. In paragraph 8
of his reply, he has made the following statements:-

“8. That it is needful to mention here in that



petitioner is presently residing in the village Nayagaon under Darbhanga District and opposite party is belongs to the resident of village Kakraul under Madhubani District and from both the place the court of Principal Judge Family court Madhubani fall on only about 8 km whereas if the present case is transferred to the jurisdiction of Darbhanga then petitioner will have to go about 30 km and opposite party will have to go about 35 km far from their respective residence place therefore the present divorce petition is fit to be run before learned Principal Judge Family Court Madhubani, in the interest of justice as well as both the parties.”

Learned counsel for the opposite party has also pointed out from Annexure-A to the reply that in the matrimonial case even evidence has already begun. The petitioner has cross-examined the opposite party in course of evidence, thus, the case is at the fag end. Learned counsel further submits that, in the given circumstance, in order to enable the petitioner to visit the court on the date fixed in the matter with her witnesses, he would be ready to pay some traveling expenses.

Considering the facts and circumstances of the case, particularly the statements made in paragraph 8 of the reply which has not been controverted by the petitioner and that the opposite



party is ready to bear the traveling expenses of the petitioner and her witnesses, this Court would not exercise its jurisdiction to transfer the matrimonial case pending presently in the court of learned Principal Judge, Family Court, Madhubani subject to the condition that the opposite party shall pay to the petitioner a sum of Rs.500/- on the date fixed in the matter when she or her witness(s) would be required to visit the court at Madhubani in connection with the case. Such payment will be made in presence of the Presiding Officer and will be recorded in the records of the case.

The application stands disposed off, accordingly.

(Rajeev Ranjan Prasad, J)

Arvind/-

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