

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1305 of 2018

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Anupam Kumari, D/o Anil Kumar Singh, Resident of At + PO - Sihama
Din, PS - Sihama, District - Begusarai.

.... Petitioner/s

Versus

Nishekant Chaudhary, S/o Sri Late Vijay Kant Chaudhary, resident of
Village - Bijhrauli, P.S. - Tisiauta, District - Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chakrapani, Adv.
Dipak Kumar, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 03-10-2018

Heard learned counsel for the parties.

This application has been preferred seeking transfer of Matrimonial Case No.175 of 2017 from the court of learned Principal Judge, Family Court, Hajipur at Vaishali to the court of learned Principal Judge, Family Court, Begusarai.

Learned counsel for the petitioner submits that the petitioner is presently living in the village situated in the district of Begusarai with her parents. Her father is a farmer and it is claimed that the petitioner does not have sufficient means to earn an independent income as also that she is only to visit Hajipur at Vaishali from Begusarai on the dates fixed in the matter. It is further submitted that on 18.02.2018 when the petitioner appeared



in the court at Vaishali, Hajipur the court was not available and the opposite party had threatened the petitioner not to do pairvi in her case and to allow the case to be proceeded ex-parte or else she would face dire consequences.

Learned counsel representing the petitioner thus submits that the case is fit to be transferred from the district of Vaishali at Hajipur to Begusarai.

The submission of the petitioner has been contested by learned counsel representing the opposite party who submits that the petitioner comes from local influential family and the opposite party also apprehends some untoward act if he goes on attending the court at Begusarai. Learned counsel further submits that the opposite party is ready and willing to meet the traveling expenses of the petitioner and her witnesses as also her companion as and when the date is fixed in the matter. Therefore, no interference be made in this regard.

On the last date, when the matter was heard for sometime, learned counsel for the parties took time to come out with instruction as to whether they would be willing to go to a nearby court other than the court at Begusarai.

Today, learned counsel for the petitioner submits that the petitioner would be willing to go to Patna provided the



opposite party makes available his flat to provide her stay there. Learned counsel also submits that now the brother of the petitioner has been transferred to outside Patna.

Learned counsel representing the opposite party however does not agree for the same and submits that in the garb of conditions being imposed by the petitioner she is trying to create some kind of rights which would not be just and proper to grant at this stage when the matter is still pending consideration and which is likely to give rise to another litigation. A suggestion is that keeping in mind the convenience of the matter the case may be transferred to the court of learned Principal Judge, Family Court at Rosera which is situated at a distance of 10 km only from Begusarai.

Learned counsel for the petitioner is however not agreeable for the same. In these circumstances, the Court is required to consider the submissions of the parties and take a view in the given facts and circumstances of the case.

Having heard learned counsel for the parties, this Court is of the considered opinion that the transfer of the case from the court of learned Principal Judge, Family Court, Hajipur at Vaishali is not being opposed by the opposite party, the only dispute is whether the records should be transferred to Begusarai



or to the court at Rosera. This Court is of the opinion that in order to keep balance between both the parties it would be more appropriate to direct transfer of the record to the court of learned Principal/Additional Principle Judge, Family Court, Rosera subject to opposite party paying a sum of Rs.800/- on the date when the petitioner along with her companion or witness shall be required to appear and shall appear in the court. Such payment will be made in presence of the Presiding Officer of the court which will be entered in the record. Both the parties agree that they will cooperate in early disposal of the case and shall not seek unnecessary adjournments in the matter.

In the given circumstances, let the records of Matrimonial Case No.175 of 2017 pending in the court of learned Principal Judge, Family Curt, Hajipur at Vaishali be transferred to the court of learned Principal/Additional Principle Judge, Family Court, Rosera within a period of fifteen days from the date of receipt/production of a copy of this order.

The application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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