

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1201 of 2018

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Munni Choubey wife of Raj Kumar Choubey and D/o Late Upendra Nath Mishra Resident of Village Mahua Sadapur, P.O. & P.S. Mahua, District Vaishali.

.... Petitioner

Versus

Raj Kumar Choubey son of late Ram Nath Choubey Resident of Village Baidyanathpur, P.S. - Bheldi, District - Saran.

.... Respondent

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Appearance :

For the Petitioner/s : Mr. Ratan Kumar Sinha, Adv.

For the Respondent/s : Mr. Dharendra Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 12-09-2018 Heard learned counsel for the petitioner and learned counsel on behalf of opposite party.

This application has been preferred seeking transfer of Divorce Case No. 59 of 2016 pending in the court of learned Principal Judge, Family Court, Saran to the court of learned Principal Judge, Family Court, Vaishali at Hazipur. Learned counsel for the petitioner submits that the marriage between the parties took place on 08.07.1991, they have a major daughter from the wedlock but the fact remains that they have been living separately since year 1993. It is submitted that the divorce case has been brought by the opposite party and whenever the petitioner went to the court at Saran, she has been threatened and tortured and pressurized to withdraw all disputes otherwise she will be murdered and her unmarried daughter will be kidnapped.



Learned counsel submits that there is no one in the parental family of the petitioner to take care of her. She is somehow maintaining herself by taking loan from the villagers and near relations. In these circumstances the mental and economic condition of the petitioner is not good, hence case may be transferred at Hazipur where she may at least contest the matter with minimum expenses and efforts.

Learned counsel for the opposite party, however, contested the submissions saying that the allegations are not true.

Having heard learned counsel for the petitioner and the opposite party this Court is of the considered opinion the petitioner has been able to demonstrate her hardship in pursuing the matter at Saran. Thus, in the interest of justice this Court directs that the records of the matrimonial case being Divorce Case No. 59 of 2016 pending in the court of learned Principal Judge, Family Court, Saran be transferred to the court of learned Principal Judge, Family Court, Vaishali at Hazipur within a period of 15 days from the date of receipt/production of a copy of this order.

This application stands allowed, accordingly.

(Rajeev Ranjan Prasad, J)

Ved/-

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