

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2560 of 2017

=====

Smt. Sweta Kumari Wife of Ajit Sen Kumar and Daughter of Shankar Prasad, at Present residing at Mohalla Khagari Road, Mali Gali, Takiyapur, Danapur, P.O. Digha, P.S. Danapur, District- Patna.

... .. Petitioner

Versus

Ajit Sen Kumar Son of Nandlal Pandit, resident of Railway Quarter No. 499, Bhatinda Railway Colony, Parshuram Nagar, Bhatinda- Punjab, Permanent Resident of Village- Khasganj, P.O. + P.S. Sohsarai, District- Nalanda.

... .. Opposite Party

=====

Appearance :

For the Petitioner : Mr. Pramod Kumar, Advocate
For the Opposite Party : Mr. Nikesh Sinha, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT

Date : 29-04-2019

Heard learned counsel for the petitioner as well as learned counsel for the opposite party.

2. The present petition has been filed for transfer of Matrimonial (Divorce) Case No. 86 of 2017 filed by the opposite party from the court of learned Principal Judge, Family Court, Nalanda at Biharsharif to the Court of learned Principal Judge, Family Court, Patna.

3. It is submitted that the petitioner is a lady having no independent source of income and is fully dependent on her parents who are residing at Khagari Road, Mali Gali, Takiyapar, Danapur, P.O. Digha, P.S. Danapur, District Patna. It is further submitted that the opposite party is in service with Indian Railway posted as Assistant Station Master at Bhatinda (Punjab) and as such, little inconvenience would be caused to him in contesting the divorce case at Patna. On the contrary, the petitioner would be put to a considerable harassment if she



is required to attend the divorce case pending in the court of learned Principal Judge, Family Court, Nalanda at Biharsharif, as she has no means to contest the case at Biharsharif. Prior to the divorce case having been filed by the opposite party, the father of the petitioner had sent a legal notice, by registered post with acknowledgment due, to the opposite party for her specialized treatment and medical aid but no reply thereto was given by the opposite party. It is further submitted by the petitioner that she has poor eyesight and she needs an attendant to travel with her, which she cannot afford.

4. Despite the opposite party having entered appearance by filing Vakalatnama on 26.04.2019, no counter affidavit has been filed opposing the prayer of the petitioner nor disputing the stand of the petitioner that the opposite party is posted as Assistant Station Master at Bhatinda (Punjab).

5. Having heard learned counsel for the parties and on careful consideration of the materials available on record, I am satisfied that the balance of convenience lies in favour of the petitioner. The petitioner admittedly suffers from poor eyesight and requires specialized medical treatment. It is further not disputed that the petitioner does not have any independent source of income. On the other hand, the opposite party is employed in Indian Railway. In such circumstances, the petitioner would be put to greater hardship if she has to travel to Biharsharif as compared to the opposite party travelling to Patna from Bhatinda, his place of employment.



6. In the above view of the matter, I direct transfer of Matrimonial (Divorce) Case No. 86 of 2017 filed at the instance of the opposite party from the Court of learned Principal Judge, Family Court, Nalanda at Biharsharif to the Court of learned Principal Judge, Family Court, Patna for its disposal.

7. The petition accordingly stands disposed of.

(Vikash Jain, J)

BT/-

AFR/NAFR	NAFR
CAV DATE	N.A
Uploading Date	14.05.2019
Transmission Date	N.A.

