

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2034 of 2017

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Priyanka Devi @ Priyanka Kumari Sharma W/o Rajesh Sharma, D/o Krishna Deo Sharma, R/o Pandeypur, P.S. Duraundha, District- Siwan, at present R/o Village- Kanchanpur, P.S.- Manjhi, District- Chapra.

... .. Petitioner

Versus

Rajesh Sharma S/o Sri Chandeshwar Sharma, Resident of Village- Pandeypur, P.S. Duraundha, District- Siwan.

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Binod Murari Mishra, Advocate

For the Opposite Party : Mr. Brij Nandan Kumar Tiwary, Advocate

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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 Divorce Case No. 28 of 2017 filed by the opposite party from the court of learned Principal Judge, Family Court, Siwan to the Court of learned Principal Judge, Family Court, Chapra (Saran).

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 village Kanchanpur, Police Station Manjhi, District Chapra. It is further submitted that the opposite party is in service with Indian Railway and is posted at Chapra itself and as such, little inconvenience would be caused in contesting the divorce case at Chapra. Prior to the divorce case having been filed by the opposite party, the petitioner herself has instituted Complaint Case No. 2925 of 2016 before learned Chief Judicial Magistrate, Saran at Chapra which



was subsequently converted into an FIR in Manjhi P.S. Case No. 256 of 2016. On the contrary, the petitioner would be put to a considerable harassment if she is required to attend the divorce case pending at Siwan.

4. Despite the opposite party having entered appearance as far back as in September, 2018 itself, pursuant to the notice issued to him, 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 at Chapra.

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.

6. In the above view of the matter, I direct transfer of Divorce Case No. 28 of 2017 filed at the instance of the opposite party from the Court of learned Principal Judge, Family Court, Siwan to the Court of learned Principal Judge, Family Court, Saran at Chapra for its disposal.

6. The petition accordingly stands disposed of.

(Vikash Jain, J)

BT/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	07.05.2019
Transmission Date	N.A.

