

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1711 of 2018

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Smt. Priti Kumari @ Ragini Devi W/o Sri Anurag Kumar, D/o Shri Shankar Dayal Singh resident of Mohalla - A.T. Gate Kaler, Post Office - Civil Aerodrum, P.S. Magadh Medical College, District - Gaya, at present residing at Village - Narhi, P.S. - Chandi, District - Bhojpur.

... .. Petitioner

Versus

Anurag Kumar S/o Sri Ashok Kumar Singh resident of Mohalla A.T. Gate Kaler, Post Office Aerodrum, P.S. - Magadh Medical College, District Gaya.

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Md. Javed Jafar Khan, Advocate.

For the Opposite Party: Mr. Nand Kishore Pd. Sinha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 15-04-2019

The present petition has been filed for transfer of Matrimonial Title Suit No. 32 of 2017 from the Court of learned Principal Judge, Family Court, Gaya to the court of learned Principal Judge, Family court, Bhojpur at Ara.

2. Learned counsel for the petitioner submits that the opposite party has filed Matrimonial Title Suit No. 32 of 2017 at Gaya seeking restitution of conjugal rights. However she has also filed Chandi P.S. Case No. 40 of 2017 in the District of Bhojpur which the opposite party would be required to attend. It is further submitted that most of the witnesses of the petitioner are residents of District- Bhojpur. It is also submitted that the petitioner has apprehension of threat to her life and safety at Gaya. It is therefore submitted that in the interest of justice the Matrimonial Title Suit No. 32 of 2017 be transferred from Gaya to Bhojpur at Ara.



3. Learned counsel for the opposite party has filed a rejoinder to the transfer petition, *inter alia*, submitting that Chandi P.S. Case No. 40 of 2017 has been filed by the petitioner subsequent to the matrimonial case filed by the petitioner. Moreover, the petitioner has already filed written statement in the matrimonial case on 18.08.2018. It is therefore submitted that the petitioner is already contesting the matrimonial case at Gaya and has filed the criminal case at District- Bhojpur only to harass the opposite party.

4. Having heard the parties and on consideration of the material on record, this Court is not satisfied that the petitioner has made out a case for transfer of the matrimonial case to Bhojpur at Ara. The grounds for seeking transfer of the matrimonial case are general in nature and no specific difficulty has been expressed in attending the case at Gaya. No specific instance has been stated in support of her apprehension to her life and safety at Gaya.

5. The petition accordingly stands dismissed.

(Vikash Jain, J)

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