

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1705 of 2018

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Smt. Karuna Pandit W/o Sri Mani Bhushan Prasad "Rakesh", D/o Pramod Kumar Pandit resident of vill. - Fazeliganj, P.O.+P.S. - Tarapur, Distt - Munger and presently resided and posted at Middle School, Lauria, P.O. - Madhodih, Tarapur, Distt - Munger.

... .. Petitioner

Versus

Mani Bhushan Prasad "Rakesh" S/o Late Ramprit Pandit resident at Warsaliganj, P.O. - Mirhanhat, P.S. Mojahidpur, Distt - Bhagalpur.

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Dhananjay Kumar Upadhyay, Advocate.
For the Opposite Party: Mr. Ashutosh Kumar
Mr. Gopal Govind Mishra, Advocates.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 06-05-2019

The present petition has been filed for transfer of the Matrimonial Case No. 309 of 2017 from the Court of learned Principal Judge Family Court, Bhagalpur to the Court of learned Principal Judge, Family Court, Munger.

2. It is submitted that the petitioner, who is a lady, would have to face considerable difficulty and harassment in attending the matrimonial divorce case filed by the opposite party at Bhagalpur. It is submitted that the petitioner has two children- the son has passed matriculation examination and is living with his maternal grandparent at Chattisgarh pursuing his higher education, while the daughter is living with the petitioner and studying at Paramount Academy. It is stated that the opposite party has never contributed financially towards their education. A specific stand has been taken that the petitioner does not have anyone to accompany her to travel to Bhagalpur for contesting the divorce case. It is further stated



that the opposite party is a practicing Advocate at Civil Court, Bhagalpur who can easily travel to Munger.

3. Learned counsel for the opposite party on the other hand resists the petition, submitting that the petitioner is a school teacher and is capable of travelling the distance of about 60 Kms. to Bhagalpur to contest the divorce case. The two towns are well connected by rail and road involving a journey of about one hour.

4. Having heard the parties and on a consideration of the materials on record, I am of the view that the balance of convenience lies in favour of the petitioner. It is not in dispute that the petitioner is looking after a young daughter at Munger by herself and there is none to accompany her as and when she is required to travel to Bhagalpur to attend the divorce case.

5. In the circumstances, I direct transfer of Matrimonial Case No. 309 of 2017 filed by the opposite party, from the Court of learned Principal Judge, Family Court, Bhagalpur to the Court of learned Principal Judge, Family Court, Munger for its disposal.

6. The petition stands allowed with the aforesaid observations and directions.

(Vikash Jain, J)

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AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	10.05.2019
Transmission Date	N.A.

