

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3427 of 2018

Prity Kumari Daughter of Ram Pravesh Dubey, Nath Public School, Near Court Area, Lakhisarai, P.S. Lakhisarai, District- Lakhisarai.

... .. Petitioner/s

Versus

Suman Saurabh son of Ashok Kumar Pathak, resident of Village- Rudpai, P.O. and P.S. Shambhuganj, District Banka.

... .. Opposite Party/s

Appearance

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv
Mr. Ritwaj Raman, Adv
For the Opposite Party/s : Mr. Anil Kumar Singh, Adv

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT

Date : 16-04-2019

The present petition has been filed for transfer of Matrimonial Case No. 73 of 2017 from the Court of learned Principal Judge, Family Court, Banka to the Court of learned Principal Judge, Family Court, Lakhisarai.

2. It is submitted on behalf of the petitioner that she is a young lady of 27 years of age and would find it extremely difficult to attend the Matrimonial Case No. 73 of 2017 filed for divorce by the opposite party at Banka as she is residing with her parents at Lakhisarai at a distance of about 150 kms. away. There is no direct communication between Lakhisarai and Banka except by one train in the night via Kiul. On the other hand, the opposite party is residing at Delhi and can well pursue his matrimonial case at Lakhisarai if transferred, being situated on the main Railway line and more easily approachable from Delhi.



3. Learned counsel for the opposite party appears and resists the transfer petition. However, no counter affidavit has been filed stating reasons for opposing the prayer for transfer of the matrimonial case.

4. Having heard the parties and on consideration of the materials on record, this Court finds merit in the prayer made on behalf of the petitioner. The petitioner is a young lady of 27 years of age and would be required to travel a distance of about 150 kms. at night to attend the matrimonial case at Banka, which would no doubt lead to considerable hardship on her part. On the other hand, it would be less inconvenient for the opposite party to travel from Delhi to Lakhisarai instead of to Banka for pursuing his matrimonial case.

5. This Court is therefore of the view that the balance of convenience lies in favour of the petitioner and accordingly directs transfer of Matrimonial Case No. 73 of 2017 from the Court of learned Principal Judge, Family Court, Banka to the Court of learned Principal Judge, Family Court, Lakhisarai.

6. The petition stands allowed.

(Vikash Jain, J)

Chandran/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.04.2019
Transmission Date	NA

