

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3475 of 2018

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Priyanka Kumari @ Priyaka Kumari W/o Shree Milan Kumar Pappu, D/o Shree Nandu Das at present R/o Mohalla Mirchaibari, Post Office, Police Station and District- Katihar

... .. Petitioner

Versus

Shree Milan Kumar Pappu S/o Shree Bindeshwar Das R/o Village Belouri, Police Station Mofassil Ranipatra, District Purnia

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Rama Nand Poddar, Advocate.

For the Opposite Party: None

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 29-04-2019

The present petition has been filed for transfer of the Matrimonial Divorce Suit No. 42 of 2018 from the Court of learned Principal Judge Family court, Purnia to the Court of learned Principal Judge, Family court, Katihar.

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 for restitution of conjugal rights at Purnia. It is submitted that the petitioner has no independent source of income and is completely dependent upon her maternal grandfather who is about 80 years of age. She would have to travel a distance of about 40 Kms. each way for attending the matrimonial divorce case at Purnia. On the other hand, she has filed Complaint Case No. 2443 of 2016 as well as Maintenance Case No. 105 of 2016, both of which are pending at



Katihar, which the opposite party would also be required to attend at Katihar.

3. Despite valid service of notice, appearance has not been entered on behalf of the opposite party nor is he represented when the matter is called today.

4. Having regard to the stand of the petitioner, I am of the view that the balance of convenience lies in favour of the petitioner. It is not controverted that the petitioner has no independent source of income and that she is dependent on her maternal grandfather. In such circumstances, she would doubtlessly face considerable difficulty in travelling and contesting the matrimonial divorce case filed by the opposite party at Purnia.

5. In the circumstances, I direct transfer of Matrimonial Divorce Suit No. 42 of 2018 filed by the opposite party, from the Court of learned Principal Judge, Family Court, Purnia to the Court of learned Principal Judge, Family Court, Katihar for its disposal.

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

(Vikash Jain, J)

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