

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2757 of 2018

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Seema Kumari Wife of Pallav Sinha and Daughter of Pankaj Kumar Sharma,
resident of Village- Mahthi, P.S. Bibhutipur, District- Samastipur.

... .. Petitioner

Versus

Pallav Sinha, Son of Ramasharay Sinha, Resident of Village- Ramasharay
Bhawan, Anishabad, Police Colony Quarter No. 52, Sector A, Road NO. 5,
P.S. Gardanibagh, District- Patna.

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr. Jitendra Narain Sinha, Advocate
For the Opposite Party	:	Mr. P.K. Shahi, Sr. Advocate
		Mr. Vikash Kumar, 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 senior
counsel for the opposite party.

2. The present petition has been filed for transfer of Matrimonial
(Divorce) Case No. 313 of 2018 filed by the opposite party from the
court of learned Principal Judge, Family Court, Patna to the Court of
learned Principal Judge, Family Court, Samastipur.

3. It is submitted that that the petitioner is a lady and is fully
dependent on her old age retired father, so she would have to travel
from her village Mahthi to Rosera and then from Rosera to Samastipur
and lastly from Samastipur to Patna and in all she would have to travel
the distance of about 150 kilometers. The petitioner herself had filed
Complaint Case No. 297 of 2012 under Sections 498(A) and 323 of the
Indian Penal Code and Section 3/4 of the Dowry Prohibition Act at



Rosera as also Maintenance Case No. 04 of 2014 and Domestic Violence Case No. 53 of 2015 at Samastipur.

3. Learned senior counsel for the opposite party, on the other hand, resists the prayer of the petitioner submitting that the petitioner has taken false and baseless stand that she is at the mercy of her old age retired father. As a matter of fact, the father of the petitioner is a practicing advocate of Civil Court at Rosera and Samastipur and is continuing with professional work. Besides she has two brothers aged about 25 and 27, respectively. The opposite party is presently posted in R.B.L. at Mumbai and has himself to travel 1500 kilometers to come to Patna in order to pursue the divorce case filed by him and will suffer further harassment if he has to travel to Samastipur for this purpose. He expresses his readiness to bear the reasonable expenses of the petitioner to attend the proceeding at Patna.

4. Having heard the learned counsel for the parties and on careful consideration of the materials on record, this Court is not inclined to accept the prayer of the petitioner. The stand of the opposite party that the petitioner's father is not a retired personnel rather he is having active practice at Rosera as well as Samastipur Civil Court and so also she has two brothers, has not been controverted and no rejoinder to the counter affidavit has been filed.

5. In view of the stand of the opposite party, he offers to bear the expenses for traveling by the petitioner along with an attendant by Taxi from her village to Patna and back along with incidental expenses of



Rs. 1000/- on each date when she is required to attend the court proceedings personally at Patna in connection with Matrimonial (Divorce) Case No. 313 of 2018. Learned counsel below shall ensure deposit of cost of traveling along with incidental expenses of Rs.1000/-.

6. The present petition stands disposed of with the aforesaid observations and directions.

BT/-

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	13.05.2019
Transmission Date	N.A.

