

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3496 of 2017

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Sita Devi wife of Sri Raju Prasad Sah, and daughter of Sri Dhruv Kumar Gupta, resident of Village – Ahiraulia, P.S. - Chakia, District – East Champaran

... .. Petitioner/s

Versus

Raju Prasad Sah, son of Sri Ramashankar Prasad @ Gaurishankar Sah, resident of village – Rajpur , P.S. - Kesariya, District – East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.

Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Arvind Kumar Singh, Adv.

Mr. Mukul Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 06-02-2023 Petitioner was married to the Opposite Party in the year 2015. The Opposite Party is a Clerk- cum- Cashier in the Punjab National Bank, right now posted at Sherghati near Gaya.

The petitioner filed Complaint Case No. 1932 of 2017 under Section 498-A of the I.P.C. against the Opposite Party alleging cruelty, physical as well as mental harassment due to non-fulfillment of demand of dowry. The aforesaid complaint was filed by the petitioner at her parental home at East Champaran, Motihari where she has been residing after being ousted from her matrimonial home. Subsequently, the petitioner filed Maintenance Case No. 293 / 2017 on 06.09.2027 at East Champaran, Motihari. The opposite party has also filed a matrimonial suit seeking divorce from the petitioner bearing



M.T.S. No. 235 / 2017 before the Principal Judge, Family Court, Gaya. Accordingly, the present application has been filed by the petitioner for transfer of matrimonial case bearing M.T.S. No. 235 / 2017 from the court of Principal Judge, Family Court, Gaya to the court of learned Principal Judge, Family Court, East Champaran, Motihari.

Learned counsel for the petitioner submits that petitioner is residing along with her parents at East Champaran, Motihari, where she has filed two cases, one under Section 498A of the I.P.C. and another maintenance case under Section 125 Cr.P.C. The petitioner has got no independent income and her father has very meager means. The petitioner is living in economic hardship and has no sufficient money to visit on each and every date at Gaya and being a lady it is also difficult for her to visit Gaya on every date.

On the other hand, learned counsel for the Opposite Party submits that the upon transfer of the case to East Champaran, Motihari, the petitioner must ensure that she will appear on each and every date in the court at East Champaran, Motihari and will co-operate in early disposal of the matrimonial suit filed by the Opposite Party.

Having heard learned counsel for the parties and



taking into consideration the fact that petitioner has got no independent source of income and she is dependent upon her father and living along with her parents at East Champaran, Motihari, accordingly, in my opinion, it is proper and in the interest of justice to transfer the Divorce Case to East Champaran, Motihari. Taking into consideration the hardship and inconvenience of the petitioner, this application is allowed.

I direct for transfer of the M.T.S. No. 235 of 2017 pending consideration before Principal Judge, Family Court, Gaya to the court of Principal Judge, Family Court, East Champaran, Motihari.

It is made clear that before the Principal Judge, Family Court, East Champaran, Motihari the petitioner shall enter appearance and shall co-operate in early disposal of all the three cases pending over there.

(Anil Kumar Sinha, J)

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