

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2530 of 2022

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Sunita Kumari Daughter of Suresh Kumar Patel, w/o Pankaj Kumar, resident of Durgabadi, Bhatta Bajar, P.S. Sadar Purnia, District-Purnia.

... .. Petitioner/s

Versus

Pankaj Kumar son of Sri C M Mandal, resident of C-293, PTS State-II, Mohalla-Depti Nagar NTPC Kahalgaon, P.S.-N.T.P.C. Kahalgaon, District-Bhagalpur, Bihar, Pincode-813214.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanchay Srivastava
For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-03-2023 Heard learned counsel for the petitioner.

The present application has been filed seeking transfer of the Matrimonial Case No. 204 of 2015 from the court of learned Principal Judge, Family Court, Bhagalpur to the court of learned Principal Judge, Family Court, Purnea.

Learned counsel for the petitioner, at the outset, very fairly submits that for the same relief, the petitioner had earlier moved this Court by filing MJC No. 1676 of 2017 and this Court, after hearing learned counsel for the parties, came to a considered conclusion that transfer application was meritless and thus dismissed the same by order dated 31.08.2018.

Again, the present transfer application has been filed on the ground that petitioner, who was posted at Goa when the order dated 31.08.2018 was passed, now stands transferred to



Purnea since 2021 as such the case be transferred to Prunea.

On query of the Court that when petitioner could have contested the case at Bhagalpur from Goa why she cannot contest the case at Bhagalpur from Purnea to which the learned counsel for the petitioner does not have any plausible explanation. The post of the petitioner is transferable and transfer is incidence of service, tomorrow again the petitioner may be transferred to some other place like she was posted earlier at Goa.

The Court also does not feel persuaded to entertain the present application for the reason that the petitioner has not challenged the order dated 31.08.2018 in MJC No. 1676 of 2017 by which her transfer application was rejected and as such the petitioner had accepted the said order. The present application is thus hit by principles of *res judicata*.

Accordingly, the present application is dismissed.

(Satyavrat Verma, J)

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