

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.501 of 2024

Vicky Kumari D/o Abhiram Prasad Singh, Resident of Vill - Kevatgama, P.S.
- Kusheswar Sthan, Dist. - Darbhanga.

... .. Petitioner/s

Versus

Avinash Kumar @ Chunnu S/o - Tej Narayan Singh, Resident of Vill.-
Morsand, P.S. - Runnisaidpur, Dist - Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Jha, Advocate
Mr. Ashish Kumar Ranjan, Advocate
For the Opposite Party/s : Mr. Manish Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 11-07-2024 Heard the parties.

2. The present petition has been filed for transfer of Matrimonial Case No. 93 of 2023 from the Court of learned Principal Judge, Family Court, Sitamarhi to the Court of learned Principal Judge, Family Court, Darbhanga.

3. Pursuant to the notices issued on 05.04.2024, the Opposite Party No. 2 has appeared, though no reply is on record. The case of the petitioner is that pursuant to the solemnization of marriage in the year 2017, the couple was blessed with a female child who is now six years old and pursuing study at Darbhanga. She is fully dependent on her parents for all financial needs as the husband is not providing a single penny. She further feels threatened in going to the Family Court, Sitamarhi as even while staying together she was not taken care of.

4. Learned counsel for the Opposite Party No. 2



submits that the distance between Darbhanga and Sitamarhi is hardly 40 kms and she can afford moving to the place where the case is presently pending.

5. The distance is not important. Important is the financial condition of the lady as also whether she is in a better state of mind in attending the case pending before Sitamarhi or not.

6. As per the contention, she feels threatened and further, even for attending the case, she will have to be financially dependent upon her parents.

7. In that background, it would be appropriate that the matter is pursued in her home district and the petitioner who is in agriculture profession, can attend the matrimonial suit in Darbhanga.

8. In that background, the MJC No. 501 of 2024 stands disposed of with a direction to the learned Principal Judge, Sitamarhi to transfer the files related to Matrimonial Case No. 93 of 2023 to the Court of learned Principal Judge, Family Court, Darbhanga.

(Rajiv Roy, J)

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