

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1377 of 2019

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Preety Kumari W/o Satyam Gandhi @ Tinku, D/o Sri Basistha Narayan Poddar Presently R/o- Village- Bariyahi Bazar, P.S.- Bangoan, District- Saharsa.

... .. Petitioner/s

Versus

Satyam Gandhi @ Tinku S/o Sri Nand Kishore Prasad R/o - Village- Batardiha, P.S.- Bithan, District- Samastipur, Permanently residing at Kamasthan Bakhri, P.S.- Bakhri, district- Begusarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrit Abhijat, Advocate

For the Opposite Party/s : Mr. Sanjeev Verma, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

7 22-08-2024

Heard the parties.

2. The present petition has been been filed for the
grant of following reliefs:-

“That this is an application for transfer of Matrimonial (Divorce) Case No. 120/2018, filed by the Opposite Party, which is pending in the Court of Principal Judge, Family Court, Begusarai, to the Court of Principal Judge, Caharsa Family Court, Supaul District, since the petitioner is working as a Government Teacher, and is posted at Supaul District and she is having a baby girl about 4 years old and under such circumstances, it is very difficult for the petitioner to travel to Begusarai on each and every date.”



3. Earlier the petitioner preferred the petition in the year 2019 to get the Matrimonial (Divorce Case No. 120 of 2018) be transferred from the court of Principal Judge, Family Court, Begusarai to the court of learned Principal Judge, Family Court, Supaul, since, she is a government teacher posted there and has to raise a baby girl who is four years old.

4. Five years later, an I.A. No.01 of 2024 was preferred with a prayer that due to a typographical error, Saharsa was wrongly typed as Supaul. Accepting the words of the learned counsel for the petitioner, the I.A. No.01 of 2024 was allowed on 02.05.2024 to make him necessary correction from Supaul to Saharsa.

5. Learned counsel appearing on behalf of husband (opposite party) has pointed out that the learned counsel for the petitioner had made a wrong submission which would reflect from the subsequent lines from the same paragraph to show that actually she wanted earlier the matter to be transferred to the court of learned Principal Judge Family Court, Supaul as at that point of time, she was serving as a government teacher in Supaul district.



6. He submits that subsequently, she got a private job, probably in Bengaluru, which prompted her to resign from the government service and as her family members stay at Saharsa she no longer wanted the same to be transferred to Supaul and thus, a false narration was made in the Interlocutory Application that it is a typographical error.

7. This Court finds force in the submission of learned counsel appearing on behalf of the opposite party but unfortunately, I.A. No.01 of 2024 was disposed of and the petitioner was allowed to make necessary correction. This Court however, records its strong displeasure on the conduct of Mr. Amrit Abhijat, learned counsel who is appearing on behalf of the petitioner and deprecates his action in hoodwinking the Court.

8. Affidavits have been filed on behalf of both the parties and the opposite party submits that he stays in Sikkim and as such it is possible for him to come to Patna as also to travel up to Begusarai. It is his submission that to his knowledge, the lady works in Bengaluru as every time in mediation earlier she flew, from Bengaluru to Patna and



went back the same evening.

9. Learned counsel appearing on behalf of petitioner counters the same and submits that she was there only in connection with delivery of child of her sister-in-law and presently is in Saharsa along with her parents. However, to specific query why she has resigned from the government service at Supaul to remain in Saharsa when she has no economic support from the husband, no positive answer is forthcoming.

10. Considering the cat and mouse game that has been played by the petitioner with the Court, this Court holds that while passing an order, it has to take care of both the parties and cannot tilt the balance towards anyone side. Admittedly, the petitioner is a frequent flier and thus can attend proceeding anywhere. Opposite party is also in Gangtok (Sikkim) and in that background since, both of them don't want to appear physically, can connect with the Court through virtual mode.

11. This Court thus deems it fit and proper that since Airport is available in Patna, it would be appropriate that the case is transferred from the court of learned



Principal Judge, Family Court, Begusarai to the court of learned Principal Judge, Family Court, Patna.

12. Accordingly ordered.

13. Let the file of the Matrimonial (Divorce) Case No.120 of 2018 be transferred from the court learned Principal Judge, Family Court, Begusarai to the court of learned Principal Judge, Family Court, Patna, with liberty to both the sides to appear either physically or through virtual mode.

13. The petition stands disposed of.

(Rajiv Roy, J)

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