

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2971 of 2023

Arti Kumari Wife of Shri Kumod Rajak and daughter of Shri Ram Chandra Rajak, Resident of Mohalla Kali Bazar. Ward No. 22, Behind Sahara Office, Post Office and Police Station Araria, PIN 854311, Bihar.

... .. Petitioner/s

Versus

Kumod Rajak Son of Late Bhola Prasad Rajak, Address at Mohalla Jalalpur Tower, Mundeshwari Apartment, Flat No. A/604, Abhimanyu Nagar, Jalapur, Police Station Rupaspur, District Patna, and also permanent resident of Village and Post Jiyanganj, Police Station Sarsi, District Purnea, Pin Code 854306, Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Ravish, Advocate
For the Opposite Party/s : Mr. Roshan Kumar Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 12-09-2024 Heard Mr. Kumar Ravish, learned counsel for the petitioner and Mr. Md. Waliur Rahman representing the opposite parties.

2. The present petition has been filed on behalf of the petitioner for transfer of Matrimonial Divorce Case No. 345 of 2023 from the Court of learned Principal Judge, Family Court, Patna to the Court of learned Principal Judge, Family Court Araria.

3. On 19.07.2024, notice was issued to the opposite party and pursuant thereto Md. Waliur Rahman has appeared.

4. The reasons has been assigned by the lady in paragraphs-8 to 12 which read as follows:



“8. That the petitioner states that she is residing in the Araria District which is far away from Patna District and more than three hundred kilometres with no direct train connectivity and the bus charge is much higher and it is overnight journey from Araria to Patna thus it is not practically possible for this petitioner to appear for conciliation/mediation and further proceeding before the Learned Principal Judge, Family Court at Patna.

9. That it would be causing serious inconvenience and prejudice to the petitioner to appear and participate during conciliation/medication and at subsequent stages before the Learned Principal Judge Family Court Patna in view of the distance from Araria and the cost which the petitioner may incur in travelling on each and every date from Araria to Patna,

10. That no inconvenience would be caused to the opposite party in case the said



matrimonial divorce case is transferred from Learned Principal Judge, Family Court Patna to the Learned Principal Judge Family Court Araria.

11. That in fact the opposite party is also a permanent resident of District Purnia as per the cause title given in the application with a local address of Patna whereas he is presently posted as Branch Manager, Scale-III, Punjab National Bank, Katra Jamalpur, Amritsar, Punjab.

12. That the present petitioner is looking after their two minor sons, namely, Aryan Raj and Kashyap Raj who are students of class 4 and class 3 respectively in Kerala Public School, at Mahadev Chowk, Near National Highway 57, Ward No. 9, District Araria 854311 and to this effect, a certificate has also been issued by the Principal of Kerala Public School, District Araria on 16th September 2023.”

5. Mr. Waliur Rahman, learned counsel for the



opposite party on the other hand submits that he too has apprehension and danger to his life if he appears in Araria.

6. This Court takes into account the aforesaid facts but that cannot be the reason to allow the case to continue in Patna as the lady has given several reasons for its transfer. However, the apprehension of the opposite party has to be accommodated and in that background, he has the choice to appear either physically or through virtual mode in the proceeding relating to Matrimonial Divorce Case No. 345 of 2023.

7. The MJC No. 2971 of 2023 stands allowed.

8. The files of Matrimonial Divorce Case No. 345 of 2023 is transferred from the Court of learned Principal Judge, Family Court, Patna to the Court of learned Principal Judge, Family Court Araria with permission to both the parties either to appear physically or through virtually.

(Rajiv Roy, J)

Adnan/-

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