

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1680 of 2023

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Pritee Kumari @ Priti Kumari, Daughter of Shiv Kumar Lal Karn, Resident of Jagar Madhubani, Police Station-Rahika, District-Patna, Bihar-847238.

... .. Petitioner/s

Versus

Kundan Kumar Das @ Kundan Kumar Son of Sarva Narayan Lal Das, Resident of Road No.-1, House No. 04, Mithila Colony, P.S. Nasriganj, District-Patna, Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.
Mr.Pravashankar Mishra, Adv.
For the Opposite Party/s : Mr.Saurav Karn, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 10-10-2025

Heard the parties.

2. The application has been filed, seeking transfer of Matrimonial Divorce Case No. 1696 of 2022 instituted under Section 13(1)(i)(a) of the Hindu Marriage Act by the opposite party from the Court of learned Principal Judge, Family Court, Patna to the court of learned Principal Judge, Family Court, Madhubani.

3. The marriage of the petitioner was solemnised with the opposite party on 08.12.2021. Just after marriage, allegedly she was subjected to torture in various ways on account of non fulfillment of dowry leading to institution of Rahika P.S. Case No. 67 of 2023. The petitioner has further been ousted from the matrimonial home; since the petitioner was not



getting any financial assistance, this led to filing of M.R. Case No. 101 of 2023 before the court of Principal Judge, Family Court, Madhubani seeking monthly maintenance and litigation expenses. A copy of the final order passed in the afore noted case has been produced before this Court and the same is kept on record. On perusal of the order passed in the afore noted MR Case No. 101 of 2023, it appears that the opposite party has been directed to pay a sum of Rs.8,000/- per month towards maintenance to the applicant with effect from the presentation of the application and further Rs.2,000/- has been award as a litigation cost.

4. It is the contention of the petitioner that despite the order having been passed by the learned Principal Judge, Family Court, Madhubani, till date the petitioner has not been offered as a single penny and as such she is facing serious financial crunch to pursue the litigation. Moreover, the petitioner is aged about 28 years and now she has been residing with her parents at Madhubani and there is no one in her family to look after and, as such, she is facing difficulty to pursue the divorce case. Learned Advocate for the petitioner also placed reliance upon the decision of the Hon'ble Supreme Court in the case of *N.C.V. Aishwarya v. A.S. Saravana Karthik Sha* [AIR



2022 SC 4318] to support the aforesaid contention.

5. A counter affidavit has been filed on behalf of the opposite party. It is submitted that the petitioner is a working lady and has been associated with an NGO namely, Maithili Diva and during her work she has to travel everywhere alone and, moreover, in Complaint Case No. 223/2023, which is pending before the court of Judicial magistrate 1st Class, Danapur, where the court has taken cognizance for the offences, as alleged, on 12.05.2023, the petitioner was all along remained physically present on all occasions. However, she never intended to appear in Matrimonial Divorce Case No. 1696 of 2022. The filing of the transfer petition is said to be only a move to put pressure on the petitioner with ulterior motive and to harass the petitioner.

6. Considered the submissions advanced by the learned Advocates for the respective parties and also taken note of the judicial pronouncements of the Apex Court in the case of **Sumita Singh Vs. Kumar Sanjay**, reported in, **(2001) 10 SCC 41** and **Rajani Kishor Pardeshi Vs. Kishor Babulal Pardeshi**, reported in, **(2005) 12 SCC 237**, where the Court has underscored that more weightage and consideration should be given to the convenience of the female litigants and transfer of



legal proceedings from one Court to another Court should ordinarily be allowed in order to avoid undue hardship to the female litigants. This Court further finds that the petitioner, besides a woman aged about 28 years, there is no one in her family to look after her, except the old parents, and, *prima facie*, she is not getting any financial support. Save and except the allegation that the petitioner is associated with an NGO, it has not been disclosed as to how and what she is earning, all the more, the conduct of the opposite party also appears to be not conducive and uptill now he has been evading to pay maintenance amount, as has been granted by the court of Principal Judge, Family Court, Madhubani in MR No. 101 of 2023. The distance of Madhubani to Patna is also more than 200 kilometers; this is also one of the factor which is required to be considered.

7. For reasons afore noted and the mandate of the Apex Court, this Court finds substance in the transfer application. Accordingly, Matrimonial Divorce Case No. 1696 of 2022 pending in the court of learned Principal Judge, Family Court, Patna is transferred to the court of learned Principal Judge, Madhubani.

8. MJC No. 1680 of 2023 stands allowed.



9. Suffice it to observe that on receipt of the record in the court of learned Principal Judge, Family Court, Madhubani, a fresh notice shall be issued in favour of the opposite party for his appearance.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	14.10.2025
Transmission Date	

