

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2125 of 2023

=====

Swarnima Gupta @ Anita Gupta, W/o Barun Kumar Choudhary Late and D/o Late Gopal Jee Prasad Gupta, Resident of Brindawan Colony near Parvati Nagar, Kashi Bazar, Chapra, P.S.- Chapra, District- Saran, Bihar, Pin Code- 841301

... .. Petitioner/s

Versus

Barun Kumar Choudhary, S/o Birendra Prasad Choudhary, Resident of Anathalay Road, Post- Katihar, P.S.- Katihar, District- Katihar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar Sharma, Adv. Mr. Alok Anand, Adv.
For the Opposite Party/s	:	Mr. Ajeet Kumar Singh, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 31-10-2025

Heard Mr. Rakesh Kumar Sharma, learned Advocate for the petitioner and Mr. Ajeet Kumar Singh, learned Advocate for the opposite party.

2. The application is filed for transfer of Matrimonial (Divorce) Case No. 175 of 2019 from the Court of learned Principal Judge, Family Court, Katihar to the Court of learned Principal Judge, Family Court, Chapra at Saran.

3. The marriage of the petitioner was solemnized with the opposite party on 25.06.2018. Soon after the marriage, the petitioner was subjected to demand of dowry and on account of non-fulfillment of the same she was tortured in various ways, leading to institution of a Complaint Case on 23.09.2019 which later on send to the concerned police station and accordingly



registered as Saran P.S. Case No. 3402 of 2019. It is further submitted that the petitioner has also been ousted from her matrimonial home and thus, she has been compelled to live with her old parents. As the petitioner was not getting any financial assistance, she also filed a Maintenance Case on 14.10.2019 before the Family Court, Chapra at Saran.

4. In the meanwhile, the opposite parties had filed a Matrimonial (Divorce) Case No. 175 of 2019 on 05.04.2019. Apart from the inconvenience of the petitioner to travel for a distance of approximately 375 kilometers from her place of residence, the petitioner is also facing apprehension of untoward incidence at the hands of the opposite party and thus, in the aforesaid premise, the present application has been filed for transfer of the divorce case from the Court of learned Principal Judge, Katihar to the Court of learned Principal Judge, Chapra at Saran.

5. On notice, the opposite party entered his appearance through the learned Advocate, however, despite the opportunity accorded by this Court to ensure filing of the counter affidavit, no counter affidavit has been filed. It is submitted that admittedly the divorce case was filed long back in the year 2019 and the proceeding is at the fag end; though



this fact has been refuted by learned Advocate for the petitioner. Beside the aforesaid submission it is also urged that because of the action of the petitioner in not pursuing the litigation *bonafidely* in the divorce case, the same is being delayed. Moreover, the petitioner is also facing danger at the hands of the family members of the opposite party. A prayer has also been made that if the divorce case is transferred to any third place, the opposite party has no problem to attend the same.

6. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the materials available on record, this Court *prima facie* finds that there is no dispute to the extent that the petitioner being a lady residing with her old parents, has to travel a distance of approximately 375 kilometers to attend the divorce case. Till date, there is neither any order passed in maintenance case nor she is getting any financial assistance. All the more, two of the cases, one criminal case as noted hereinabove beside the maintenance case are pending before the Court of Chapra jurisdiction.

7. This Court also noticed that the Apex Court in the case of *Sumita Singh vs. Kumar Sanjay & Anr., (2001) 10 SCC 41* and *Rajani Kishor Pardeshi vs. Kishor Babulal*



Pardeshi, (2005) 12 SCC 237 underscored that more weightage and consideration should be given to the convenience of wife/female litigants in case of the prayer being made for transfer of the Matrimonial proceedings/cases. Furthermore, no materials have been brought on record that the opposite party has any genuine apprehension in not attending the Court at Chapra or disputed the facts narrated in the transfer petition.

8. On all these reasons this Court finds substance and accordingly the present application stands allowed.

9. Let the Matrimonial (Divorce) Case No. 175 of 2019 be transferred to the Court of learned Principal Judge, Family Court, Chapra at Saran from the Court of learned Principal Judge, Family Court, Katihar.

10. On receipt of the record, the learned Principal Judge shall issue fresh notice to both the parties for their appearance and will proceed further in the matter.

11. The application stands allowed.

(Harish Kumar, J)

supratim/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.11.2025
Transmission Date	NA

