IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3462 of 2023

CNR No. BRHC011163932023

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Rajni Kumari W/o Saurabh Kumar, D/o Ramesh Poddar, Resident of Village-Ashok Nagar, Pokhaia, P.s. Nagar, District-Begusarai.

... ... Petitioner/s

Versus

Saurabh Kumar S/o Kumar Bibhanand, Resident of HOuse No. 03, RC-8, Bahadurpur Housing Colony, Bhutnath Road, P.S. Agamkuan, District-Patna.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Braj Bhushan Poddar, Advocate
For the Opposite Party/s : Mr. Sadanand Prasad Deo, Advocate

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT
Date : 30-10-2026

1. The petitioner has filed the instant petition for the following reliefs:

> "For transfer of the case bearing matrimonial (divorce) case no. 346/2020 filed under section 13(i)(i-a) of the Hindu Marriage Act, 1955, pending in the court of learned Principal Judge Family Court, Patna to learned Principal Judge, Family Court, Begusarai."

2. The brief facts culled out of the petition are that the petitioner is the legally wedded wife of the opposite party, and their marriage was solemnized on 22.06.2018. The petitioner states

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that after a brief period of cohabitation, matrimonial discord arose between the parties, followed by demands for dowry and her return to her parental home.

3. The Learned counsel for the petitioner submits that the opposite party instituted Matrimonial Case No. 346 of 2020, before the Principal Judge, Family Court, Patna, seeking divorce. The petitioner seeks transfer of the said case to the Court of the Principal Judge, Family Court, Begusarai, contending that it is difficult for her to attend the proceedings at Patna, which is about 110–120 kilometres from her parental home, and that she apprehends a threat to her safety.

4. A counter affidavit has been filed on behalf of the opposite party. The Learned counsel for the opposite party submits that the petitioner has failed to establish any sufficient ground for transfer of the matrimonial case from Patna to Begusarai. It is contended that the petitioner has herself instituted several cases at Patna and has also resided there. It is further submitted that the

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matrimonial case is at an advanced stage of trial, with issues already framed and evidence underway, and its transfer would cause inconvenience and prejudice to the opposite party, who is employed outside the State. The allegations of threat levelled by the petitioner are also denied as baseless. Accordingly, the Learned counsel for the opposite party opposes the prayer for transfer of the case.

5. Heard the Learned counsel for the petitioner as well as the Learned counsel for the opposite party and perused the materials available on record.

6. Having considered the submissions advanced on behalf of the parties and perused the materials available on record, this Court finds that the petitioner seeks transfer of Matrimonial Case No. 346 of 2020 from the Court of the Principal Judge, Family Court, Patna, to the Court of the Principal Judge, Family Court, Begusarai, primarily on the grounds of distance and alleged threat to her safety.

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7. It is evident from the statements made in the counter affidavit, that the petitioner has herself instituted several cases at Patna and has also resided there. These material facts have not been disclosed in the transfer petition. The non-disclosure of such relevant facts assumes significance while considering the petitioner's plea of inconvenience in attending the matrimonial proceedings at Patna.

8. It further appears from the counter affidavit that the matrimonial case has reached an advanced stage of trial, with issues already framed and evidence underway. The opposite party has also expressed the difficulties he would face in attending the proceedings if the case is transferred to Begusarai, particularly in view of his employment outside the State. The petitioner has not placed sufficient material on record to substantiate her apprehension of threat or to establish that continuation of the proceedings at Patna would cause such hardship as to warrant transfer of the case.

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9. In view of the aforesaid facts and circumstances, and considering the non-disclosure of relevant facts, the stage of the matrimonial proceedings and the inconvenience likely to be caused to the opposite party, this Court is not satisfied that any sufficient ground has been made out for transfer of the case.

10. Accordingly, the present petition is dismissed.

11. Pending application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.10.2026
Transmission Date	

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