

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Transfer Petition (Civil) No. 28 of 2020

Ambika Kumari --- --- Petitioner
Versus
Ajeet Kumar Mishra --- --- Opp. Party

CORAM: **Hon'ble Mr. Justice Aparesh Kumar Singh**

For the Petitioner: Mr. Rajeev Kr. Sinha, Advocate

06 / 10.09.2021 Heard learned counsel for the petitioner-wife. Opposite party has not entered appearance despite service of notice and indulgence granted on the last two dates.

2. Petitioner-wife seeks transfer of Matrimonial Title Suit No. 208/2018 instituted by the opposite party-husband seeking divorce under the grounds available under section 13(1)(i-a)(i-b) of the Hindu Marriage Act, 1955 from the court of learned Principal Judge, Family Court, Hazaribag to the court of learned Principal Judge, Family Court, Chatra.

3. Learned counsel for the petitioner submits that marriage between the parties was solemnized on 26.04.2016 at Chatra, but on false and fabricated allegation, matrimonial suit has been instituted for divorce against her. It is submitted that the petitioner has been tortured on one pretext or the other. She is wholly dependent upon her parents and is not in a position to make expenditure for attending to the proceedings at Hazaribag from Chatra. Learned counsel further submits that complaint case has been filed by the petitioner against the opposite party at Chatra, though after filing of the matrimonial suit at Hazaribag. Therefore, suit may be transferred to Chatra. Learned counsel for the petitioner submits that suit is at the stage of evidence.

4. I have considered the submissions of learned counsel for the petitioner. It appears that marriage between the parties was solemnized in 2016 while the suit for divorce has been instituted by the opposite party husband in 2018 under the grounds available under section 13(1)(i-a)(i-b) of Hindu Marriage Act, 1955. It appears that there are no issue born out of the wedlock between the parties. Suit is at the stage of evidence as it also appears from the submissions of learned counsel for the petitioner and the status report obtained from the NJDG site. Chatra and Hazaribag are separated by a distance of only 50 kms by motorable road. In those circumstances, this Court is of the view that expenses for litigation of the petitioner can be properly met if the Family Court, on an application made by her, awards reasonable cost for expenses incurred for

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attending the proceedings of the suit in her favour, after hearing the parties. Transfer of the suit at this stage may delay adjudication of the proceedings, which is at the stage of evidence. Moreover, Hazaribag and Chatra are not separated by a long distance so as to make it onerous for the petitioner to attend to the proceedings of the suit.

5. In the aforesaid facts and circumstances, this Court is of the considered opinion that the prayer made by the petitioner does not deserve to be allowed, keeping into account the stage of the proceeding in the Family Court at Chatra and the circumstances discussed hereinabove. However, learned Family Court should look into the aforesaid aspect of the award of cost for attending proceedings in favour of the petitioner on any application being made in accordance with law. The instant petition is disposed of accordingly.

Ranjeet/

(Aparesh Kumar Singh, J)