

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1371 of 2016

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Dipti Shankar @ Deepti Shankar, Wife of Amrit Sinha, Daughter of Anil Shankar
presently residing at C/o Shri Ajay Kumar, C77, Birla Colony, Fulwari Sharif,
Patna – 801 505

.... Petitioner

Versus

Amrit Sinha, Son of Sudhir Kumar Sinha, resident of Kayasth Tola, P.O. + P.S.
Saharsa Town, District Saharsa

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Birendra Kumar Sinha, Sr. Advocate
Mr. Rajnandan Kumar, Advocate

For Opposite Party : None

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 22-08-2017

The present petition has been filed for transfer of
Matrimonial Case No. 59 of 2015 pending in the court of learned
Principal Judge, Family Court, Saharsa to the court of learned Principal
Judge, Family Court, Patna.

2. The short facts of the case, according to the petitioner,
are that the parties were married on 27.11.2009 at Arrah after they
came into the contact through the website www.shaadi.com. Contrary
to the claim of the educational qualification, the opposite party was
found to be not even a graduate rather he was running a brick kiln. A
son was born on 14.04.2011 at Patna from the wedlock. After marriage,
the petitioner was subjected to cruelty and torture at the hands of the
opposite party and subsequently, she shifted to Patna where the
opposite party followed and continued the ill-treatment, all of which
led to the petitioner lodging Patliputra P.S. Case No. 309 of 2015



against the opposite party and his family members in which charge sheet has also been filed. The opposite party was granted anticipatory bail on the undertaking to keep the petitioner properly and it is for this reason that he has filed the subject matrimonial case at Saharsa for restitution of conjugal rights even though he himself deserted her at Patna.

3. Mr. Birendra Kumar Sinha, learned senior counsel appearing on behalf of the petitioner, submits that the petitioner would be put to great difficulty in attending the court at Saharsa as she is employed at Patna. It is also pointed out that Patliputra P.S. Case No. 309 of 2015 has been instituted by her at Patna in which the opposite party would be required to attend.

4. None is present on behalf of the opposite party despite repeated calls, although appearance has been entered after issuance of notice. No counter affidavit has also been filed on behalf of the opposite party.

5. Having heard learned counsel for the petitioner, this Court is of the view that the balance of convenience lies in favour of the petitioner. The petitioner claims to be employed at Patna where Patliputra P.S. Case No. 309 of 2015 instituted by her is also pending and in which the opposite party will be required to attend in order to contest the same. The petitioner has also a son to take care of at Patna.

6. In the above view of the matter, this Court directs transfer of Matrimonial Case No. 59 of 2015 pending in the court of



learned Principal Judge, Family Court, Saharsa to the court of learned
Principal Judge, Family Court, Patna

7. The petition stands allowed.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	24.08.2017
Transmission Date	N.A.

