

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.201 of 2017

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Anubala Kumari D/o Sachchidanand Prasad, resident of Mohalla - Hathsarganj,
Naka No. 3, Gali No. 2, P.S. Hajipur Town, District - Vaishali.

.... Petitioner

Versus

Rajiv Kumar Sinha S/o Late Hari Narayan Prasad Sinha, resident of Village -
Bhagwatpur, P.S. - Baliya, District - Begusarai.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ranjit Kumar Thakur,
Mr. Devendra Kumar, Advocates

For the Opposite Party: Mr. Jai Prakash Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 20-11-2017

The present petition has been filed for transfer of Divorce
Case No. 133 of 2015 pending in the court of learned Principal Judge,
Family Court, Begusarai to the court of learned Principal Judge, Family
Court, Vaishali at Hajipur.

2. Learned counsel for the petitioner submits that the
petitioner is a poor lady without any independent source of income
and is completely dependent on her father and is living at her *Naihar*
with two daughters. In such circumstances, it will be extremely difficult
for her to attend the matrimonial (divorce) case at Begusarai.
Moreover, she had filed Complaint Case No. 303 of 2011 under section
498A of the Indian Penal Code as well as Maintenance Case No. 26 of
2011 under Section 125 of the Code of Criminal Procedure which are
both pending at Hajipur, District Vaishali in which the opposite party is



required to attend

3. Despite service of notice and appearance having been entered on behalf of the opposite party, none is present on his behalf when the matter is called today. No counter affidavit has also been filed to controvert the stand of the petitioner.

4. In the above view of the matter, this Court is of the view that the balance of convenience, therefore, lies in favour of the petitioner. Accordingly, this Court directs transfer of Divorce Case No. 133 of 2015 from the court of learned Principal Judge, Family Court, Begusarai to the court of learned Principal Judge, Family Court, Vaishali at Hajipur.

5. The petition stands allowed.

(Vikash Jain, J)

B.T/Chandran

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

