

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2513 of 2016

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Rupam Mani Priya W/o Rajesh Kumar Chaudhary D/o Abhay Kumar Mandal,
Address- Hridya Nath Mandal Sakin Vivekanath Colony, Rajni Chowk, P.S.-
Rajni Chowk, P.O. - Rajni Chowk, District Purnea.

.... Petitioner

Versus

Rajesh Kumar Chaudhary Son of Sridhar Chaudhary Resident of Village -
Bikram Sher, Post Office - Mobahi, P.S. - Babubarhi, District - Madhubani, At
presently resident of Flat No. 303 'A' Block, Ramchandra Enclave Apartment,
Road no. -1, Shivpuri, P.S. - Shastri Nagar, P.O. - Shastri Nagar, District - Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Dharendra Kumar, Advocate

For the Opp. Party : None

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 08-09-2017

The present petition has been filed for transfer of
Matrimonial Case No. 489 of 2015 from the Court of learned Principal
Judge, Family Court, Patna to the Court of learned Principal Judge,
Family Court, Purnea.

2. The short facts of the case, according to the petitioner,
are that the parties were married on 26.11.2012 but following cruelty
and torture meted out to the petitioner for non-fulfillment of demand
of Rs. 40,00,000/- for purchase of a flat at Patna, she was finally ousted
from the matrimonial home on 17.08.2014 after which she has been
residing at her parental house at Purnea. The opposite party filed
Matrimonial Case No. 489 of 2015 for restitution of conjugal rights
which is pending before the learned Principal Judge, Family Court,



Patna. Thereafter the petitioner has filed Complaint Case No. 827 of 2016 before the learned Chief Judicial Magistrate, Purnea for the offences under Sections 323, 380 and 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. Learned counsel for the petitioner submits that the petitioner is a poor lady having a girl child to take care of and is fully dependent on her father who is a poor agriculturist and as such she would be put to great difficulty in traveling to Patna to attend the subject matrimonial case. It is further stated that even though the opposite party claims to be residing at Patna at present, he is a permanent resident of Madhubani and is also employed as Assistant Engineer, RWD, Government of Bihar, Works Division, Hajipur.

4. Despite valid service of notice, the opposite party has not entered appearance nor is he represented when the matter is called today.

5. Having heard learned counsel for the petitioner and on careful consideration of the materials available on record, this Court finds considerable merit in the petition. The petitioner is a poor lady having a small girl child to take care of at Purnea where she resides with her father who is a poor farmer. The subject matrimonial case has been filed at Patna even though the opposite party is an employee at Hajipur and is a permanent resident of Madhubani. Moreover, Complaint Case No. 827 of 2016 instituted by the petitioner is pending



at Purnea which the opposite party would be required to attend. The balance of convenience therefore lies in favour of the petitioner.

6. In the above view of the matter, this Court directs transfer of Matrimonial Case No. 489 of 2015 filed at the instance of the opposite party from the Court of learned Principal Judge, Family Court, Patna to the Court of learned Principal Judge, Family Court, Purnea for its disposal.

7. The petition stands disposed of.

(Vikash Jain, J)

B.T/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	12.09.2017
Transmission Date	N.A.

