

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2913 of 2016

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Shruti Jha wife of Mukesh Kumar Mishra, daughter of Shri Basudeo Narayan Jha, resident of Bharatpatti, P.S. : Kaluahi, District : Madhubani, at present residing with her father in Mohalla : Rajeev Nagar, Road, No. 13, P.O. : Keshari Nagar, District : Patna.

.... Petitioner

Versus

1. Mukesh Kumar Mishra son of Shri Nand Kishore Mishra resident of Village : Bhuskaul, P.S. Sadar, District : Darbhanga, at present Assistant Executive Engineer, B.T. P.S., Barauni, District : Begusarai.
2. Chhotu, son of not known and c/o. Shri Basudeo Narayan Jha, at present Mohalla Rajeev Nagar, Road No. 13, P.S. Keshri Nagar, Patna 800 024, District Patna.

.... Opposite Parties

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Appearance:

For the Petitioner : Mr. Sameer Ranjan, Advocate
For the Opposite Party : None

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 02-08-2017

The present petition has been filed for transfer of Matrimonial Case No. 90 of 2016 from the Court of learned Principal Judge, Family Court, Darbhanga to the Court of learned Principal Judge, Family Court, Patna.

2. The short facts according to the petitioner are that the parties were married on 10.05.2015, but soon thereafter rifts occurred in the marriage owing to non-fulfilment of demand for dowry and as a result of which the petitioner was subjected to cruelty and torture by the opposite party no. 1 and his family members. Continued ill-treatment of the petitioner forced her to come for shelter to her



parental home at Patna where she has been residing and has filed Complaint Case No. 1433(c) of 2016 before the learned Chief Judicial Magistrate, Patna.

3. Learned counsel for the petitioner submits that she is a lady without independent income and is living at Patna with her parents who are suffering from various old age ailments. Except her retired father, there is no male member in the family to accompany her to Darbhanga to contest the matrimonial case.

4. It transpires from the record that on 16.05.2017 learned counsel Mr. Bimal Kumar Jha appeared *suo motu* on behalf of opposite party no. 1 and has sought time to file counter affidavit. Thereafter on 18.07.2017, none appeared on behalf of opposite party no. 1 and the matter was adjourned. Once again none represented the opposite party no. 1 when the matter is called nor any counter affidavit has been filed on his behalf.

5. Having heard learned counsel for the petitioner, this Court finds merit in the petition. The petitioner claims to be an unemployed lady without any male member in the family, except her old father to accompany her to Darbhanga to contest the matrimonial case. The petitioner has already filed Complaint Case No. 1433(c) of 2016 at Patna in which the opposite party no. 1 would be required to attend. The balance of convenience therefore, lies in favour of the petitioner and accordingly this Court directs transfer of Matrimonial



Case No. 90 of 2016 from the Court of learned Principal Judge, Family Court, Darbhanga to the Court of learned Principal Judge, Family Court, Patna.

6. The petition stands allowed.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	03.08.2017
Transmission Date	N.A.

