

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.4184 of 2016

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Kumari Swetta @ Sweta Kumari @ Sweta Tiwary W/O Shri Radheshyam Tiwary, D/O- Shri Ramnarayan Tiwari, resident of Vill.+P.O.-Gongsar, P.S.- Agiyaw , Distt.-Bhojpur, resident at Mohalla-Gorakshini, Near Overbridge Sasaram, P.S.- Sasaram, Distt.- Rohtas

.... Petitioner

Versus

Radheshyam Tiwary S/O Shri Bihari Tiwary resident of Vill.+P.O.- Nenua, P.S.- Dumraon, District.-Buxar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Suresh Mishra

For the Opposite Party : None

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 05-12-2017

As prayed, learned counsel for the petitioner is permitted to make correction in the date wrongly mentioned as “16.11.2015” with the correct date as “16.12.2015” in the 11th line at paragraph 5 of the petition. Similarly, he is also permitted to make correction in the date wrongly mentioned as “30.09.2016” in the penultimate line on page-6 of the same paragraph of the petition with the correct date as “30.06.2016” in course of the day.

I.A. No. 8689 of 2017

2. This interlocutory application has been filed, *inter alia*, stating that the opposite party and his own brother Mr. Jitendra Tiwary upon whom notices were served are jointly residing and are joint in all respects.

3. In the above view of the matter, service of notice on the



opposite party is treated as valid. I.A. No. 8689 of 2017 stands disposed of.

MJC No. 4184 of 2016

4. The present petition has been filed for transfer of Matrimonial Case No. 220 of 2015 from the court of learned Principal Judge, Family Court, Buxar to the Court of learned Principal Judge, Family Court, Rohtas at Sasaram.

5. It is submitted that following torture at the hands of the opposite party and her in-laws, the petitioner was forced to leave her matrimonial home to come and reside with parents at Sasaram. It is further submitted that the petitioner would face considerable difficulty in attending the Court at Buxar which involves the distance to travel to more than 100 Kms. each way which could disrupt her studies at Sasaram. The parents of the petitioner are teacher. The father is suffering from various diseases and unable to move frequently.

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

7. Having regard to the nature of the prayer of the petitioner, this Court is of the view that the balance of convenience lies in favour of the petitioner. Accordingly, let the Matrimonial Case No. 220 of 2015 be transferred from the Court of learned Principal Judge, Family Court, Buxar to the Court of learned Principal Judge, Family



Court, Rohtas at Sasaram.

5. The petition stands allowed.

(Vikash Jain, J)

Md. Ibrarul/BT

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

