

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.62 of 2014

IN

MAT. SUIT 109 of 2011

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Sarita Kumari, Daughter of Shaym Kishore Vishwakarma, Wife of Sri Sanjay Kumar Sharma, resident of Village + P.O. Khudaganj, P.S. Khudaganj, District Nalanda, at present C/o Sri Lalan Vishwakarma, Muhalla Bhikhachak, P.O. Anishabad, P.S. Gardanibagh, District Patna

.... Petitioner

Versus

1. The State of Bihar
2. Sanjay Sharma, son of Raj Kishore Mistry, resident of Bajrang Chowk, Teacher Colony, Purani Bazar, Jhajha, P.O. + P.S. Jhajha, District Jamui

.... Opposite Parties

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Appearance:

For the Petitioner : Mr. Ashok Kumar Singh, Advocate

For Opposite Parties : None

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 22-06-2017

The present petition has been filed for transfer Divorce Case no. 109 of 2011 from the Court of learned Principal Judge, Family Court, Jamui to any other Court having competent jurisdiction at Patna.

2. The short facts of the case are that the parties were married on 01.06.2003 according to the Hindu rites and customs at Khudaganj, Nalanda. The petitioner gave birth to two female children during the first five or six years of her marriage. The husband of the petitioner has filed Divorce Case No. 109 of 2011 on 02.09.2011 which is pending before the learned Principal Judge, Family Court, Jamui. Due



to ill-treatment and torture, the petitioner was forced to come and reside at her '*Naihar*'. It is stated that after birth of second female child, the petitioner was treated with cruelty at the hands of the opposite party-husband and his family members.

3. Learned counsel for the petitioner submits that initially she was contesting the divorce case at Jamui but since having come to reside with her mother at Patna, she is unable to contest the case at Jamui. It is stated that the petitioner is not a working lady and has no independent source of income, rather she is wholly dependent on her parents for nourishment of herself and her baby child. The parents of the petitioner are aged persons and are not capable of accompanying the petitioner to Jamui for defending the case.

4. Despite issuance of notice, none appears on behalf of the opposite party no. 2.

5. Pursuant to the order dated 16.05.2017, lower court records of Divorce Case No. 109 of 2011 have been received. The record of the proceeding shows that neither of the parties has been pursuing the case since the year 2015 and there has not been much progress in the case.

6. Having heard learned counsel for the petitioner and on careful consideration of the materials available on record, this Court directs transfer of Divorce Case no. 109 of 2011 filed at the instance of the opposite party no. 2 from the Court of learned Principal Judge,



Family Court, Jamui to the Court of learned Principal Judge, Family Court, Patna for its disposal.

7. The present petition stands disposed of.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
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