

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3262 of 2015
IN
MAT. SUIT 139 of 2014

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Pallavi Kumari, wife of Ajay Kumar Singh, resident of Mohalla-Mirchaibari,
New Officers Colony, Police Station & District-Katihar, at present resident of
Ruidhasa, Police Station and District Kishanganj

.... Petitioner

Versus

Ajay Kumar Singh, Son of Ramanand Singh, Resident of Mohalla-Mirchaibari,
New Officer, colony, Police Station & District-Katihar , at present posted at S.P.
Office, Aurangabad, P.S. & District- Aurangabad, Bihar (previous address
changed).

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Dilip Kumar Singh, Advocate.

For the Opp. Party : None

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 11-07-2017

The present petition has been filed for transfer of the
Matrimonial Suit No. 139 of 2014 from Araria Judgeship to Kishanganj
Judgeship filed under Section 13(B) of the Hindu Marriage Act.

2. The short facts of the case according to the petitioner
are that the parties were married on 20.06.1999 at Kishanganj at the
petitioner's parental house. In due course, differences arose between
the parties which led them to file a petition for divorce through mutual
consent before the Court of the learned Principal Judge, Family Court,
Purnea.

3. Learned counsel for the petitioner submits that after
creation of Araria Judgeship in the year 2015, the matrimonial case
was *suo motu* transferred to the Araria Judgeship from Purnea
Judgeship. It is submitted that neither of the parties resides at Araria.
The petitioner resides at her parental home at Kishanganj and the



opposite party is a resident of Katihar and at present posted at Aurangabad. It is stated that the petitioner has been attending the Court regularly but is facing considerable difficulty as Araria is situated more than 100 km. away from Kishanganj and it becomes dark by the time she returns to her residence situated at Kishanganj. It is stated that the opposite party, on the other hand, has appeared only on 4 (four) of the 16 (sixteen) dates before the learned court below, which is adding to the difficulty faced by the petitioner.

4. Despite service of notice on the opposite party, appearance has not been entered and he is also not represented when the matter was called on 10.07.2017, nor today.

5. Having heard learned counsel for the petitioner and on consideration of the materials on record, I am of the view that the ends of justice will be met if Matrimonial Suit No. 139 of 2014 is transferred from Araria Judgeship to Kishanganj Judgeship. The parties have filed for divorce by mutual consent but neither the parties is at present residing at Araria where the Matrimonial Suit is pending.

6. In the above situation, the balance of convenience is in favour of the petitioner. Accordingly, let Matrimonial Suit No. 139 of 2014 be transferred from Araria Judgship to Kishanganj Judgeship.

7. The petition stands allowed.

(Vikash Jain, J)

Md. Ibrarul/Chandran

AFR/NAFR	NAFR
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