

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2660 of 2015

IN

Matrimonial Reference No. 285 of 2015

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Shadhwi Kumari @ Sadhvi Kumari S/o Mukesh Kumar Das, D/o Subas Das
resident of Mohalla + P.O. Gali Bhabhua Ward No.13, P.O. + P.S.- Bhabhua,
District- Kaimur

.... Petitioner

Versus

Mukesh Kumar Das, S/o Bishwanath Das, resident of Village- Haflaganj, P.O.
Sirnia, P.S. Katihar (M), District - Katihar.

.... Opposite Party

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Appearance:

For the Petitioner : Mr. Ravi Shankar Sahay,
Mr. Rajnish Kumar Mishra,
Mr. Navin Kumar Jha, Advocates
For the Opposite Party: Mr. Shashi Kumar
Mr. Ravi Kumar, Advocates

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 23-06-2017

Heard learned counsel for the petitioner and the opposite
party.

2. The present petition has been filed for transfer of
Matrimonial Case No. 285 of 2015 pending in the court of the learned
Principal Judge, Family Court, Katihar to the court of the learned
Principal Judge, Family Court, Kaimur at Bhabhua.

3. The short facts of the case, according to the petitioner,
are that the parties were married on 19.04.2014 at Bhabhua and the
petitioner went to reside at her matrimonial home at Katihar. Soon
thereafter the sole opposite party and his family members started
torturing the petitioner forcing her to return to her paternal home at



Bhabhua where she delivered a female child in January, 2015.

4. Learned counsel for the petitioner submits that the petitioner has filed a case of domestic violence against the opposite party and his family members in Complaint Case No. 1095 of 2015 as also Complaint Case No. 1182 of 2015 under Section 498A of the Indian Penal Code, both of which are pending in Kaimur Judgeship. It is submitted that the petitioner has been deserted by the opposite party and is now residing at a distance of more than 500 kilometers from Katihar where the opposite party has filed Matrimonial Case No. 285 of 2015 seeking restitution of conjugal rights. It is submitted that it will be very difficult for the petitioner to attend the matrimonial case at Katihar, more so with a female child to look after. It is further alleged that the opposite party has also been threatening the petitioner and she is apprehensive for her life and the life of her female child if she travels to Katihar to contest the matrimonial case.

5. Learned counsel for the opposite party appears and has been heard. It is submitted that the petitioner ought to have come back to Katihar to reside at her matrimonial home rather than seek transfer of the matrimonial case to Kaimur at Bhabhua.

6. No counter affidavit has been filed on behalf of the opposite party opposing the prayer for transfer of the matrimonial case to Kaimur at Bhabhua. Learned counsel has also not expressed why it would be difficult for the opposite party to attend



the matrimonial case if the same is transferred to Kaimur at Bhabua.

7. Having regard to the balance of convenience of the parties which clearly tilts in favour of the petitioner, this Court directs transfer of Matrimonial Case No. 285 of 2015 filed at the instance of the opposite party from the Court of learned Principal Judge, Family Court, Katihar to the Court of learned Principal Judge, Family Court, Kaimur at Bhabhua for its disposal.

8. The present petition stands disposed of.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	30.06.2017
Transmission Date	N.A.

