

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.163 of 2015

IN
MAT. SUIT 1345 of 2014

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Deep Shikha, wife of Rajeev Ranjan, D/o Sri Raj Kumar Das, Resident of
Mohalla Navratan Hata, P.S. K. Hat, District - Purnea

.... Petitioner

Versus

Rajeev Ranjan son of Jitendra Prasad Singh, resident of Sangram Chowk,
Driver Tola, P.S. Katihar, District - Katihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Arun Kumar Mandal, Advocate

For Opposite Party : Mr. Suresh Pd. Sah @ Barnwal, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 05-07-2017

Heard learned counsel for the petitioner and learned
counsel for the opposite party.

2. The present petition has been filed for transfer of
Matrimonial Case No. 1345 of 2014 filed by opposite party under
Section 13(1)(i-a) of the Hindu Marriage Act, 1955 pending in the court
of the learned Principal Judge, Family Court, Katihar to the court of the
learned Principal Judge, Family Court, Purnea.

3. The short facts of the case, according to the petitioner,
are that marriage between the parties was solemnized on 26.05.2004
at Purnea and thereafter the petitioner went to matrimonial home at
Katihar. Soon thereafter the opposite party and his family members
started torturing the petitioner for demand of dowry which continued
for the years and finally the petitioner had lodged Complaint Case No.
388 of 2014 on 30.01.2014 at Purnea. She has also filed Maintenance
Case No. 50 of 2014 before the Principal Judge, Family Court, Purnea



for maintenance for herself and her son, at present, 10 years of age wherein the interim maintenance has been allowed but the opposite party is not making regular payment despite being employed with B.S.N.L. at Forbesganj, Araria on monthly salary of Rs. 35000-40000/-. It is further stated that almost a year later, the opposite party has filed Matrimonial Case No. 1345 of 2014 for divorce on 16.12. 2014 before the Principal Judge, Family Court, Katihar. It is further pointed out that on 27.07.2015 the opposite party himself has filed Title Suit No. 35 of 2015 under Section 6(a) of the Hindu Minority and Guardianship Act, 1956 in the court of the Principal Judge, Family Court, Purnea.

4. Learned counsel for the petitioner submits that having suffered torture at the hands of the opposite party and his family members, she was forced to leave her matrimonial home to come and reside at Purnea with her minor son. It is stated that the son of petitioner is presently attending at S.R.P. School at Purnea.

5. Learned counsel for the opposite party appears and opposes the petition for transfer of Matrimonial Case No. 1345 of 2014 as sought by the petitioner. It is submitted that the opposite party would face a considerable difficulty in pursuing the said matrimonial case if the same is transferred to the court at Purnea as he is employed at Katihar. It is stated that Title Suit No. 35 of 2015 was filed by the opposite party at Purnea during his posting but now he has been transferred to Katihar where he presently resides with his father aged about 76 years who is suffering from various ailments.

6. Having heard learned counsel for the parties and on



Careful consideration of the materials available on record, I find considerable merit in the petition. It is not in dispute that if Maintenance Case No. 50 of 2014 as well as Complaint Case No. 388 of 2014 filed at the instance of the petitioner are both pending in the court at Purnea and so also Title Suit No. 35 of 2015 filed by the opposite party himself is also pending at Purnea. There appears little reason why he cannot pursue the divorce petition if the same is transferred to Purnea as he has already the aforesaid three other cases to attend to in the court at Purnea. It is also not disputed that the minor son of the parties is attending the school at Purnea. It is informed that distance between the two places is only around 35 kilometers with adequate public transport facilities.

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. 1345 of 2014 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, Purnea for its disposal.

8. The present petition stands disposed of.

(Vikash Jain, J)

B.T/Ibrar

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	08.07.2017
Transmission Date	N.A.

