

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2982 of 2015

IN

Matrimonial Reference No. 4972 of 2014

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Anshu Kumari, wife of Ranjit Kumar Sinha @ Ranjit Kumar, daughter of Abhay Kumar Siinha at present resident of village- Mahabala, P.S.- Rupauli, District- Purnea.

.... Petitioner

Versus

Ranjit Kumar Sinha @ Ranjit Kumar, son of Murari Prasad, Resident of Mohalla- Gulzarbagh B.N.R Training College, Near Patharighat, P.S- Alamganj, District- Patna.

.... Opposite Party

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Appearance:

For the Petitioner : Mr. Surendra Prasad Singh,
Mr. Satyendra Narayan Verma,
Advocates

For the Opposite Party : Mr. Tilak Sao, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 01-09-2017

The present petition has been filed for transfer of Matrimonial (Restitution) Case No. 4972 of 2014 from the Court of learned Principal Judge, Family Court, Patna to the Court of learned Principal Judge, Family Court, Purnea.

2. The short facts of the case according to the petitioner are that the parties were married on 24.02.2011, but soon thereafter, her in-laws has demanded Rs. 2.00 lakhs to enable the opposite party to appear in the MCI examination. Non-fulfillment of the demand resulted in cruelty and torture inflicted upon the petitioner, after which she came to reside at her father's house at Purnea. The petitioner has filed C.A. Case No. 507 of 2012 against the opposite party and others in which cognizance under Section 498A of the Indian Penal Code has been taken by the learned S.D.J.M., Purnea.

3. Learned counsel for the petitioner submits that she is a poor lady having no independent source of income and would be hard pressed to come to Patna to contest the subject matrimonial case.



4. Learned counsel for the opposite party appears and has been heard. Liberty was granted to the opposite party to state whether he would be willing to pay the expenses of the petitioner for attending the case at Patna, but he has not come forward in this regard.

5. Having heard the parties and on a consideration of the materials on record, this Court finds merit in the petition. The petitioner claims to be a poor lady without any independent source of income and is living at her parental house at Purnea. These facts have not been controverted by the opposite party and no counter affidavit has been filed. The C.A. Case No. 507 of 2012 instituted by the petitioner is also pending at Purnea which the opposite party would be required to attend in order to contest the same.

6. In this view of the matter, the balance of convenience clearly lies in favour of the petitioner.

7. It is accordingly directed that Matrimonial (Restitution) Case No. 4972 of 2014 be transferred from the Court of learned Principal Judge, Family Court, Patna to the Court of learned Principal Judge, Family Court, Purnea.

8. The petition stands allowed.

(Vikash Jain, J)

Chandran/BT

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