

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2859 of 2015

IN

Matrimonial Reference No. 2582 of 2015

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Annu Kumari, W/o Shambhu Kumar , D/o Sri Udho Pandit Resident of Mohalla-Naya tola, Purani Bazar, Lakhisarai (Near Mahila Vidya Mandir Madhya Vidyalaya) Ward no. 12, P.S. & District- Lakshisarai, at present resident of Mohalla- Lohiya Nagar, ward No. 31, Post Suhirdya Nagar ,P.S Lohiya Nagar, District Begusarai.

.... Petitioner

Versus

Shambhu Kumar, S/o Sri Krishna Pandit, Resident of Mohalla-Naya tola , Purani Bazar, Lakhisarai (Near Mahila Vidya Mandir Madhya Vidyalaya) Ward No , 12, P.S & District Lakhisarai.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Vijay Kumar, Advocate

For the Opposite Party : None

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 31-07-2017

The present petition has been filed for transfer of Matrimonial Case No. 47 of 2015 pending in the Court of learned Principal Judge, Family Court, Lakhisarai to the Court of learned Principal Judge, Begusarai.

2. The short facts of the case according to the petitioner are that the parties were married on 24.05.2013, but soon thereafter the petitioner was subjected to cruelty and torture at the hands of the opposite party and his family members forcing her to come to reside at her paternal home at Begusarai where she instituted Complaint Case No. 2582(c) of 2015 under Section 498A and allied Sections of the Indian



Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

3. Learned counsel for the petitioner submits that the Matrimonial Case No. 47 of 2015 filed by the opposite party seeking restitution of conjugal rights, in which she received notice only after she had already instituted Complaint Case No. 2582(c) of 2015. It is submitted that the petitioner is an unemployed lady without any source of income and is unable to go to Lakhisarai to contest the Matrimonial Case. It is submitted that the opposite party would in any event require to attend the Complaint Case No. 2582(c) of 2015 at Begusarai and he could well pursue the matrimonial case at Begusarai as well.

4. None appears on behalf of the opposite party when the matter is called. On the last three dates Mr. Amaresh Kumar Sinha, learned counsel stated that he had instructions to file Vakalatnama on behalf of the opposite party and sought time for the same. Today however he is not present when the matter is called nor any Vakalatnama filed on behalf of the opposite party.

5. Having heard learned counsel for the petitioner and on a consideration of the materials on record, this Court finds merit in the petition. The petitioner claims to be an unemployed lady having no source of income and would find it difficult to go to Lakhisarai to attend and contest the matrimonial case. The Complaint Case No. 2582(c) of 2015 instituted by her is already pending at Begusarai which the opposite party would require to attend at Begusarai. The balance of convenience therefore, lies in favour of the petitioner and accordingly Matrimonial Case No. 47 of 2015 pending in the Court of learned Principal Judge,



Family Court, Lakhisarai is directed to be transferred to the Court of learned Principal Judge, Begusarai.

6. M.J.C. No. 2859 of 2015 stands allowed.

(Vikash Jain, J)

Chandran/lbrar

AFR/NAFR	NAFR
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