

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3201 of 2016

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Neha Govind Rao @ Neha Singh, wife of Shivendra Pratap Rao, daughter of late Vishnu Govind Rao, at present resident of Mohalla - Ishwar Colony, Bagmali, Sita Chowk, P.S. - Town Hazipur, District - Vaishali at Hazipur.

.... Petitioner

Versus

Shivendra Pratap Rao, son of Mahendra Pratap Rao, resident of Village - Mundera, P.S. - Tarkuilwa, District - Deoria (U.P.) at present resident of Flat No. 603 at Mahraja Kameshwar Complex, Fraser Road, P.S. Kotwali, District - Patna.

.... Opposite Party

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Appearance :

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

For the Opposite Party : Mr. Uday Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 19-07-2017

The present petition has been filed for a direction to transfer of the Matrimonial (Divorce) Case No. 5573 of 2014 (Shivendra Pratap Rao Vs. Neha Govind Rao) from the Court of learned Principal Judge, Family Court, Patna to the Court of learned Principal Judge, Family Court, Vaishali at Hajipur which has been filed by the opposite party on 08.07.2014 under Section 13(1)(i-a) of the Hindu Marriage Act, 1955.

2. Learned counsel for the petitioner submits that some time after the parties were married on 23.01.2013, the opposite party



and his relatives began treating the petitioner with cruelty for non-fulfillment of demand for dowry and finally ousted her from her matrimonial home.

3. The petitioner is now living with her mother at Hajipur and has already lost her father due to cancer. The younger brother is doing private job in Delhi and there is no other male member to accompany her to Patna to contest the divorce case. There is a small child of about three years of age adding to her difficulty in coming to Patna. It is further stated that the petitioner has also filed Complaint Case No. 1745 of 2015 complaining of cruelty as well as Maintenance Case No. 212 of 2015, both of which are pending at Vaishali.

4. Learned counsel for the opposite party submits on the basis of counter affidavit that opposite party does not live in Patna rather he has a field job posted at Begusarai and would also find it difficult to attend the two cases, if transferred to Vaishali.

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 the divorce case is transferred to Vaishali as sought. It is not in dispute that the petitioner is residing at Hajipur with a three year old son with her old widow mother and as such the balance of convenience lies in favour of the petitioner. Moreover, the opposite party would in any event require to attend the two cases filed



by the petitioner as aforesaid which are pending at Vaishali.

6. Considering the above as well as the decision of the Apex Court reported in *(2016) 3 SCC 69, Tejalben Vs. Mihirbhai Bharatbhai Kothari*, let the Matrimonial (Divorce) Case No. 5573 of 2014 be transferred from the Court of learned Principal Judge, Family Court, Patna to the Court of learned Principal Judge, Family Court, Vaishali at Hajipur. The petition stands allowed.

(Vikash Jain, J)

Md. Ibrarul/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	22.07.2017
Transmission Date	N.A.

