

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.699 of 2015

IN

Matrimonial Reference No. 1 of 2015

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Chandani Kumari, wife of Ramesh Kumar, daughter of Late Goverdhan Jamadar
Resident of Village Harischandpur, P.S. Jalalgarh, District Purnea.

.... Petitioner

Versus

Ramesh Kumar, son of Bindeshwari Singh, resident of Village-Chhatapur, P.S.
Chhatapur, District Supaul.

.... Opposite Party

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Appearance :
For the Petitioner : Mr. Bijendra Kumar Singh, Advocate.
For the Opposite Party : Mr. Arun, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 25-07-2017

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

2. The present petition has been filed for transfer of
Matrimonial (Divorce) Case No. 01 of 2015 from the Court of learned
Principal Judge, Family Court, Supaul to the court of learned Principal
Judge, Family Court, Purnea.

3. The short facts according to the petitioner are that
the parties were married on 21.05.2010 but subsequently owing to
non-fulfillment of dowry demands of the opposite party, the petitioner
was ousted from her matrimonial home and came to reside with her
parents at District Purnea. She has instituted a Complaint Case No. 21
of 2015 under Section 498(A) and other allied Sections of the Indian



Penal Code and Sections 3 and 4 of the Dowry Prohibition Act as well as Maintenance Case No. 02 of 2015, both of which are pending at Purnea.

4. Learned counsel for the petitioner submits that she is a poor and helpless lady having no independent source of income and she is residing with her parents who are of an advanced age. It is submitted that the opposite party is required to attend the Court at Purnea in respect of the two cases instituted by her and as such the divorce case also ought to be transferred to Purnea.

5. Learned counsel for the opposite party has filed counter affidavit and resists the transfer petition submitting that he is still ready to keep the petitioner with due dignity and honour. It is further submitted that the petitioner is residing at the place which is not very far from Supaul and as such there would be no need for transfer of the divorce case to Purnea.

6. Having heard the parties and on consideration of the materials on record, this Court finds merit in the petition. It is not denied on behalf of the opposite party that the petitioner has no independence source of income and is residing with her aged parents in District Purnea. The opposite party would also be required to attend the two cases instituted at Purnea by the petitioner. The balance of convenience therefore clearly lies in favour of the petitioner.

7. In the above view of the matter, let the Matrimonial



(Divorce) Case No. 01 of 2015 be transferred from the Court of learned Principal Judge, Family Court, Supaul to the court of learned Principal Judge, Family Court, Purnea. The petition stands allowed.

(Vikash Jain, J)

Md. Ibrarul/Chandran

AFR/NAFR	NAFR
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