

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.249 of 2015

IN

Matrimonial Reference No. 986 of 2014

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Rinki Devi @ Rinki Kumari @ Rinki Singh wife of Pankaj Kumar Singh, daughter of late Upendra Singh, resident of village- Sinaura (South Tola), P.S.- Bahadurpur, District- Darbhanga, presently residing at in the father's house at village- Hasanpur, P.S.- Mahanar, District- Vaishali.

.... Petitioner

Versus

Pankaj Kumar Singh @ Guddu son of Sri Nawal Kishore Singh, resident of Village- Sinaura (South Tola), P.S.- Bahadurpur, District- Darbhanga.

.... Opposite party

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Appearance :

For the Petitioner : Mr. Tej Narayan Singh, Advocate

For the Opp. Party : Mr. Aditya Narayan Singh-1, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 20-06-2017

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. 186 of 2014/591 of 2014 from the Court of learned Principal Judge, Family Court, Darbhanga to the Court of learned Principal Judge, Family Court, Vaishali at Hajipur.

3. The short facts of the case are that the husband-opposite party filed Matrimonial Case No. 196 of 2012 before the Court of learned Principal Judge, Family Court, Darbhanga which however was dismissed by order dated 10.02.2014. Thereafter the present Matrimonial Case No. 186 of 2014/591 of 2014 for divorce was again



filed before the said Court in which notice has been issued to the petitioner for filing written statement.

4. Learned counsel for the petitioner submits that in the interest of justice, it would be just and proper to transfer the said case to the Court of learned Principal Judge, Family Court, Vaishali at Hajipur. The petitioner has been tortured at the hands of the opposite party and his family members for dowry and for which Complaint Case No. 4023 of 2014 has been filed by the petitioner before the Court of learned Chief Judicial Magistrate, Vaishali at Hajipur, which is pending. It is further submitted that due to lack of proper care by the opposite party and his family members, the newly born girl child of the petitioner also died which led to the death of the petitioner's father due to shock on 21.08.2011. It is stated that the petitioner is a lady without any independent source of income and there is no male member in the family who may accompany her to Darbhanga to contest the Matrimonial Case.

5. Learned counsel for the opposite party appears and has been heard who opposes the prayer for transfer of the Matrimonial Case No. 186 of 2014/591 of 2014 from Darbhanga to Vaishali submitting that he is also a poor labourer and he has difficulty in pursuing the case at Vaishali at Hajipur.

6. Having heard the parties and on consideration of the materials on record, this Court is of the view that in the interest of



justice and having regard to the balance of convenience of the parties, Matrimonial Case No. 186 of 2014/591 of 2014 be transferred from the Court of learned Principal Judge, Family Court, Darbhanga to the Court of learned Principal Judge, Family Court, Vaishali at Hajipur.

7. It is not disputed on behalf of the opposite party that the petitioner has no independent source of income and is a poor lady who does not have any male member to accompany her to Darbhanga where the Matrimonial Case is presently pending. Allegations of torture and ill-treatment of the petitioner at the hands of the opposite party and his family have also been made in the petition which has caused apprehension on her part in traveling alone to Darbhanga to contest the Matrimonial Case.

8. In the above circumstances, let Matrimonial Case No. 186 of 2014/591 of 2014 be transferred from the Court of learned Principal Judge, Family Court, Darbhanga to the Court of learned Principal Judge, Family Court, Vaishali at Hajipur.

9. The petition stands allowed.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
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