

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2746 of 2015

IN

Matrimonial Reference No. 52 of 2015

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Sweta Kumari, Wife of - Minesh Chaudhary, Resident of Mohalla Kashipur near Veer Kunwar Singh Colony, P.S.- Town: Samastipur, District-Samastipur, at present daughter of Surendra Pd. Singh, residing at New Bazar, Behind Kabaiya O.P., Sahjanand Saraswati Nagar, P.S.- Lakhisarai, District- Lakhisarai.

.... Petitioner

Versus

Minesh Chaudhary, Son of Janardan Chaudhary, Resident of Mohalla Kashipur, near Veeer Kunwar Singh Colony, P.S.- Town Samastipur, District- Samastipur.

.... Opposite Party

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Appearance:

For the Petitioner : Mr. Sanjeev Kumar, Advocate

For the Opposite Part : Mr.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 29-06-2017

Heard learned counsel for the petitioner.

2. The present petition has been filed for transfer of Divorce

Case No. 52 of 2015 from the Court of learned Principal Judge, Family Court, Samastipur to the Court of learned Principal Judge, Family Court, Lakhisarai.

3. The short facts according to the petitioner are that after marriage she was being tortured and ill-treated by her husband, the opposite party herein and his family members, thus forcing her to institute Lakhisarai Mahila P.S. Case No. 161 of 2015 on 26.05.2015 under Sections 498(A)/34 of the Indian Penal Code at Lakhisarai. Maintenance Case No. 15 of 2015 has also been filed by her, which is pending in the Court of learned Principal Judge, Family Court, Lakhisarai.



4. Learned counsel for the petitioner submits that the petitioner is residing at her '*maike*' with her aged parents at Lakhisarai and it would be difficult for her to attend the Courts at Samastipur to contest the divorce case. She has a six year old son to take care of, and except her ailing father who is of advanced age, there is no other male member to accompany her to Samastipur. The petitioner has no independent source of income, while on the other hand, the opposite party runs a popular coaching centre under the name and style "Gurukul Science Coaching Centre" at Samastipur.

5. Despite valid service of notice, appearance has not been entered on behalf of the opposite party nor is he represented when the matter is called today.

6. By order dated 04.05.2017, the lower Court records were called for, a perusal of which discloses that there has not been much progress in the divorce case and is likely to take some time for its disposal.

7. 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 by directing transfer of divorce case as sought by the petitioner. It has been stated that the petitioner has a young son of six years who is attending School at Lakhisarai. Her father is a retired police personnel suffering from various diseases. There is no other male member to accompany the petitioner to Samastipur to contest the divorce case. It has also been stated that there are two other cases filed by the petitioner which are also pending at Lakhisarai in which the opposite party would required to attend at Lakhisarai. The balance of convenience therefore, clearly tilts in favour of the petitioner.



8. I, therefore, direct that Divorce Case No. 52 of 2015 be transferred from the Court of learned Principal Judge, Family Court, Samastipur to the Court of learned Principal Judge, Family Court, Lakhisarai.
9. M.J.C. No. 2746 of 2015 stands allowed.

(Vikash Jain, J)

Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	30.06.2017
Transmission Date	N.A.

