

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1601 of 2016

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Supriya Kumari @ Ansu, w/o. Suraj Kumar, r/o. vill. Mirganj, P.S. Murliganj, Dist. Madhepura, at present d/o. Ramesh Kumar, r/o. vill. Shriram Pipara, P.S. Bahadurpur, Dist. Darbhanga

.... Petitioner

Versus

Suraj Kumar, s/o. Sri Bharat Bhushan Singh, r/o. vill. Meerganj, P.S. Murliganj, Dist. Madhepura.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ram Bali Jha, Advocate

For the Opposite Party : Dr. Sanjay Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 29-08-2017

The present petition has been filed for transfer of Divorce

Case No. 46 of 2014 pending in the Court of learned Principal Judge,

Family Court, Madhepura to the Court of learned Principal Judge,

Family Court, Darbhanga.

2. The short facts of the case according to the petitioner are that the parties were married on 05.10.2012 and subsequently a girl child was born from the marriage and is presently about two years of age. The opposite party and his family members were inflicting torture and cruelty on the petitioner and finally drove her out of the matrimonial home with the baby after which the petitioner came to reside at her parent's house and filed C.R. No. 1152 of 2014 which is pending before the learned S.D.J.M., Darbhanga. The petitioner has also filed Maintenance Case No. 10 of 2015 which is pending before the learned Principal Judge, Family Court, Darbhanga .

3. Learned counsel for the petitioner submits that she would



be put to great difficulty if she has to travel to Madhepura to contest the divorce case. It is stated that the opposite party paid the maintenance of Rs. 3,000/- for some time, but stopped payment thereof. The petitioner has a small girl child of about two years of age.

4. Learned counsel for the opposite party appears and has been heard. It is stated that the petitioner has already appeared in the divorce case and filed written statement and as such the divorce case may be allowed to continue at Madhepura.

5. Having heard the parties and on a consideration of the materials on record, this Court finds merit in the petition. The stand of the petitioner that the opposite party has stopped paying maintenance of Rs. 3,000/- per month has not been controverted. The petitioner has a small child of about two years to take care of and in such circumstances she would no doubt find it difficult to travel to Madhepura to contest the divorce case. Moreover, the two cases filed by the petitioner are pending at Darbhanga which the opposite party would be required to attend. As such the balance of convenience lies in favour of the petitioner.

6. In the above view of the matter, let Divorce Case No. 46 of 2014 pending in the Court of learned Principal Judge, Family Court, Madhepura be transferred to the Court of learned Principal Judge, Family Court, Darbhanga.

7. The petition stands allowed.



(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	30.08.2017
Transmission Date	N.A.

