

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3477 of 2015

IN

Matrimonial Reference No. 804 of 2013

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Supriya Gupta W/o Raj Kumar Gupta, D/o Sri Lakhan Prasad Gupta, resident of
Mohalla- Khilanganz (Choukhandi More), P.S.- Sasaram, District- Rohtas

.... Petitioner

Versus

Raj Kumar Gupta S/o Sri Panalal Gupta, resident of Mohalla- Agamkua, Pahari
Road, Choti Pahari, P.O.- Bari Pahari, P.S.- Bypass via- Gulzarbag, District-
Patna

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ajay Kumar Gautam, Advocate

For the Opposite Party : None

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 22-08-2017

The present petition has been filed for transfer of
Matrimonial (Divorce) Case No. 804 of 2013 pending in the court of
learned Principal Judge, Family Court, Patna to the court of learned
Principal Judge, Family Court, Sasaram.

2. The short facts of the case according to the petitioner
are that the petitioner and the opposite party were married on
04.06.2009 but following torture and ill-treatment at the hands of the
opposite party and his family members, she was ousted from the
matrimonial home and came to reside with her father at Sasaram. As
the re-marriage of husband of the petitioner has since been solemnized
with the daughter of one Nandlal at Raipur, Madhya Pradesh, he has
been threatening the petitioner.

3. Learned counsel for the petitioner submits that she is a



lady without any independent source of income and will be put to great difficulty if she has to attend the Court at Patna in order to contest the subject matrimonial case. It is also difficult for the petitioner to travel to Patna without any attendant. It is further stated that the opposite party is carrying on business at Raipur, Madhya Pradesh and hence no prejudice will be caused to him if the case is transferred to the court of learned Principal Judge, Family Court, Sasaram.

4. None is present on behalf of the opposite party despite repeated calls although appearance has been entered after issuance of notice. Though a counter affidavit has been placed on the record, receipt of a copy thereof is denied by the petitioner, whose acknowledgement is not found on the counter affidavit. This Court is thus left with no option but to ignore the counter affidavit.

5. Having heard learned counsel for the petitioner, this Court is of the view that the balance of convenience lies in favour of the petitioner. Accordingly, this Court directs transfer of Matrimonial (Divorce) Case No. 804 of 2013 from the court of learned Principal Judge, Family Court, Patna to the court of the learned Principal Judge, Family Court, Sasaram.

6. The petition stands allowed.

B.T/Chandran

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
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