

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3239 of 2016

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Soni Kumari, W/o Shankar Yadav, D/o Baban Singh, R/o Power Grid, Zero Mile,
South from Bir Kunwar Singh University, Chandrawati Bhawan, nearest to
Delhi Public School, Ara, P.S.- Udwant Nagar, District- Bhojpur.

.... Petitioner

Versus

Shankar Kumar Yadav, son of Laxman Singh, Resident of Village- Pathkhaulia,
P.S.- Dhansoi, District- Buxar, at present R/o Shankar Yadav C/o Dy. Inspector
General/ C.A.S.O., Central Industrial Security Force C.S.I Airport, Santacruz (E),
Mumbai.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Yogendra Prasad Sinha, Advocate

For the Opposite Party: Mr. Shakib Ayaz

Mr. Ankit Katriar, Advocates.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 11-08-2017

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. 156 of 2016 from the court of learned Principal
Judge, Family Court, Buxar to the court of learned Principal Judge,
Family Court, Ara.

3. The short facts of the case according to the petitioner are
that the parties were married on 13.05.2014, but owing to cruelty and
torture inflicted upon the petitioner at the hands of the opposite party
and his parents, she was forced to leave the matrimonial home and had
to come to reside at her parental home at Ara. The petitioner also gave
birth to a child born from the wedlock.

4. Learned counsel for the petitioner submits that the subject
Matrimonial Case filed for restitution of conjugal rights is a mere eye-



wash. It is submitted that she has suffered considerable torture and ill-treatment from the opposite party and his family members and has apprehension about her safety at Buxar, more so, as the opposite party is a Constable and his father is a Sub-Inspector. The petitioner has a small child to take care of and it will be extremely difficult for her to attend the Court at Buxar to contest the Matrimonial Case. It is further submitted that the petitioner has filed Misc. Case No. 156 of 2016 before the learned Principal Judge, Family Court, Bhojpur at Ara for maintenance, which is pending.

5. Learned counsel for the opposite party, on the other hand, submits in turn that the opposite party also has apprehension to his life at Arra inasmuch as petitioner's father is a local muscleman.

6. Having heard the parties and on a consideration of the material on record, this Court finds merit in the petition. Earlier the opposite party had filed MJC No. 3845 of 2016 seeking transfer of Miscellaneous Case No. 156 of 2016 filed by the petitioner, from Ara to Buxar, on grounds that there was apprehension to his life. The same was however not entertained and the petition was dismissed. Considering that there is small child in the lap of the petitioner as also that Miscellaneous Case No. 156 of 2016 for maintenance is pending at Ara which the opposite party would be required to attend, the balance of convenience lies in favour of the petitioner.

7. In the above view of the matter, let the Matrimonial Case No. 156 of 2016 be transferred from the court of learned Principal Judge, Family Court, Buxar to the court of learned Principal Judge,



Family Court, Ara.

8. The petition stands allowed.

(Vikash Jain, J)

Md. Ibrarul/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	19.08.2017
Transmission Date	N.A.

