

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3224 of 2016

=====

Anamika @ Anamika Kumari, wife of Rajeev Kumar, daughter of Brijnandan Prasad Singh, resident of village Mahendrapur, P.S. Naya Gaon, District Begusarai, at present village Baikatpur, Kasba Tola, P.S. Khushrupur, District Patna.

.... Petitioner

Versus

Rajeev Kumar, son of Agni Kumar Singh, resident of village Mahendrapur, P.S. Naya Gaon, District Begusarai.

.... Opposite Party.

=====

Appearance :

For the Petitioner : Mr. Arbind Kumar Singh, Advocate

For the Opposite Party : None

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 07-07-2017

Heard learned counsel for the petitioner.

2. The present petition has been filed for transfer of Divorce Case No. 123 of 2015 from the Court of learned Principal Judge, Family Court, Begusarai to the Court of learned Principal Judge, Family Court, Patna.

3. The short facts of the case according to the petitioner are that the marriage of the parties was solemnized on 22.11.2009. Soon thereafter, the opposite party and his family members began torturing the petitioner with demands for dowry. Owing to continued abuse and assault, she was forced to go and reside at her parental home. In view of the ill-treatment and torture suffered by her at the hands of the opposite party and her in-laws the petitioner filed Complaint Case No. 257 of 2014 on 03.03.2015 at Begusarai.

4. Learned counsel for the petitioner submits that Divorce Case No. 123 of 2015 has been filed by the opposite party with intent to harass the petitioner. The petitioner is residing with her aged father of about 80 years having already lost her mother earlier. She is an only child and there is no



male member to accompany her to contest the case at Begusarai. The petitioner does not also have any other source of income and is fully dependant on the agricultural income of her father. On the other hand, the opposite party is a police officer and would have no difficulty in pursuing the divorce case at Patna, considering that he would be required to attend the Court of S.D.J.M., Patna City in Complaint Case No. 257 of 2015 pending there.

5. Despite issuance of notice, the opposite party has not entered appearance and is also not represented when the matter is called today.

6. Having heard learned counsel for the petitioner and on consideration of the materials on record, this Court finds merit in the petition. The petitioner is residing with her father of advanced years at his house having no source of income of her own. There is no other person in her family to accompany her to Begusarai to defend the Divorce Case. On the other hand, the opposite party is a police officer. The balance of convenience therefore, clearly tilts in favour of the petitioner.

7. Accordingly, let Divorce Case No. 123 of 2015 be transferred from the Court of learned Principal Judge, Family Court, Begusarai to the Court of learned Principal Judge, Family Court, Patna.

8. The petition stands allowed.

(Vikash Jain, J)

Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	11.07.2017
Transmission Date	N.A.

