

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2283 of 2019

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Surbhi Kumari W/o Ankit Bhartiya Resident of Laxmi Niwas, Katra Bazar, Chapra, at present D/o Sri Sunil Kumar Narmolia, S.K. Traders, Gogri Jamalpur, P.O. and P.S.- Gogri, District- Khagaria.

... .. Petitioner/s

Versus

Ankit Bharti Son of Shri Shiv Bhartiya Resident of Laxmi Niwas, Katra Bazar, Chapra, P.S. and District- Chapra.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binay Kumar, Advocate

For the Opposite Party/s : Mr. S.D.Sanjay, Sr. Advocate
Mr.Priya Gupta, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 09-03-2021 The present petition has been filed seeking transfer of Annulment of Marriage Case No. 2 of 2019 from the learned court of Principal Judge, Family Court, Chapra to the learned court of Principal Judge, Family Court, Khagaria.

The brief facts of the case are that the marriage of the petitioner and the respondent herein was solemnized on 26.02.2019 according to Hindu Rites and Rituals at Lemon Tree Hotel, Patna, whereafter she had gone with her husband to her matrimonial home at Chapra from where she was taken to Purnea i.e. the then place of employment of her husband. It is also alleged by the petitioner that huge sums of money, gifts, ornaments, utensil



and other valuable articles were given to the respondent and his family members at the time of marriage.

It appears that subsequently, some discord had taken place in between the petitioner and the respondent, leading to filing of a matrimonial case bearing Annulment (H.M.A.) No. 2 of 2019 before the learned court of Principal Judge, Family Court, Chapra by the Respondent herein from which it appears that the parental home of the petitioner is situated in the district of Khagaria whereas the parental home of the respondent is in the district of Chapra.

The learned counsel for the petitioner has submitted that the petitioner is an unemployed girl having no source of income, hence, it is very difficult for her to contest the aforesaid annulment of marriage case at Chapra, especially since she has been ousted from her matrimonial home. It is also submitted that the respondent is an engineer and gainfully employed, hence, it would not be difficult for him to visit Khagaria instead of Chapra



to contest the aforesaid annulment of marriage case.

Per contra, the learned Senior Counsel for the Respondent, Sri S.D.Sanjay, has submitted that the case be transferred to Patna since it would be convenient for the respondent to visit Patna from Pune where he is working at the moment.

I have heard the learned counsel for the parties and I find that despite opportunity being granted to the respondent vide order dated 09.02.2021, to file a counter affidavit, no counter affidavit has been filed in opposition to the present petition. Moreover, it is an admitted position that the parental home of the petitioner is at Khagaria and she is unemployed, having no income, hence, in the interest of justice and in furtherance of upholding the provisions of the Constitution of India, more particularly contained in Article 39A of the Constitution of India, which provides for guaranteeing equal access to justice as also Article 51A(e) of the Constitution of India, which provides for upholding the dignity of women, it would be



appropriate to transfer the aforesaid matrimonial case from Chapra to Khagaria so that the petitioner does not face hardship in contesting the aforesaid divorce case saddled by the respondent on the petitioner herein. Consequently, I deem it fit and proper to direct for transfer of the aforesaid Annulment of Marriage Case No. 2 of 2019 (Ankit Bhartia vs. Surbhi Kumari) from the learned court of Principal Judge, Family Court, Chapra to the learned court of Principal Judge, Family Court, Khagaria.

It is needless to state that the entire records of the aforesaid Annulment of Marriage Case No. 2 of 2019 shall be transmitted by the learned court of Principal Judge, Family Court Chapra to the learned court of Principal Judge, Family Court, Khagaria, within a period of two weeks from today.

The present petition stands allowed.

(Mohit Kumar Shah, J)

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