

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.133 of 2024

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Priti wife of Kumar Pankaj, D/O Ravindra Kumar, Resident of mohalla- B. B. Ganj, near Bhola Chips, Bhagwanpur, P.S.-Sadar, District-Muzaffarpur.

... .. Petitioner/s

Versus

Kumar Pankaj Son of Late Ashok Kumar Singh, Resident of Village-Narharpur P.S.- Marhaura, District -Saran, Pin Code No-841443.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nachiketa Jha, Advocate

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 27-06-2024 Heard Mr. Nachiketa Jha, learned counsel for the

petitioner.

2. The petitioner has preferred the present petition for transfer of Divorce Case No. 160/2022 filed by the opposite party from the Court of learned Principal Judge, Family Court, Saran at Chapra to the Court of learned Principal Judge, Family Court, Muzaffarpur.

3. The case of the petitioner is that she was married to the opposite party, Kumar Pankaj on 29.6.2011 but was always tortured for dowry and subsequently was forced to leave the in-laws' house. In between, the couple was blessed with two female children and finally on 28.10.2020, as the husband tried to press her neck, she left the place and since then is residing with her parents.



4. It is her case that subsequently, she preferred Complaint Case No. 2455 of 2020 on 12.11.2020 against the opposite party/family members before the learned Chief Judicial Magistrate, Muzaffarpur.

5. The case of the petitioner is that the opposite party subsequently after two years preferred Divorce Case No. 160 of 2022 before the Family Court, Chapra and she came to know about it only after she was put on notice (Annexure-1) to the petition.

6. It is the contention of the learned counsel for the petition that the way she was treated at her in-laws' house, she always has threat and is unable to visit Chapra. Learned counsel further submits that twice the opposite party/family members tried to kill her and as she has two minor children, she apprehends danger to their lives.

7. Considering the aforesaid facts, on 5.4.2024, the opposite party, Kumar Pankaj was put on notice and further proceeding in Divorce Case No. 160 of 2022 was stayed.

8. As per the office notes, while the notice was received by the mother of the opposite party namely Hemanti on 13.5.2024. So far as the registered notice is concerned, as per the report dated 25.4.2024, the opposite party refused to accept



it. Accordingly, the same has been deemed to have validly served.

9. From the aforesaid facts, it is clear that the opposite party chose not to contest the matter.

10. In that background, the MJC No. 133 of 2024 is allowed.

11. Let the files of Matrimonial (Divorce Case No. 160 of 2022) be transferred from the Court of learned Principal Judge, Family Court, Saran at Chapra to the Court of learned Principal Judge, Family Court, Muzaffarpur.

12. The aforesaid petition stands allowed.

(Rajiv Roy, J)

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