

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.229 of 2024

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Kumari Puja @ Puja Kumari Soni @ Soni W/o Anand Kumar Gupta, D/o Sri Lal Babu Gupta @ Lal Babu Sarraf, Resident of Village- Nooranganj, Pani Near Tanki, Durga Mandir, Bauliya Road, Sasaram, P.S.- Sasaram (T), District- Rohtas.

... .. Petitioner/s

Versus

Anand Kumar Gupta S/o Anil Kumar Gupta, Resident of Mohalla- Janki Kunj, Nehru Nagar, Ara, P.S.- Ara (T), District- Ara (Bhojpur).

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mithilesh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Prakash Chandra Gupta, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 27-06-2024 Heard the parties.

2. The present petition has been preferred for transfer of Matrimonial Case No. 354 of 2023 (Divorce) filed under section 13(1) of Hindu Marriage Act from the learned Principal Judge, Family Court, Bhojpur at Ara to competent Court i.e. Family Court, Rohtas at Sasaram.

3. The petitioner claims to be married with opposite party on 29.11.2021 but relationship as husband and wife never developed and finally she had to leave the place on 23.9.2023 and since then is living with her parents.

4. It is the contention of the petitioner that she belongs to a poor family, is unemployed, dependent on her parents, is not in a position to attend the Matrimonial (Divorce Case No.



354 of 2023) preferred by the opposite party regularly before the Principal Judge, Family Court, Bhojpur at Ara.

5. In this case, notice was issued to other side on 19.4.2024 and further proceeding of Matrimonial Case No. 354 of 2023 was stayed.

6. The opposite party has since appeared and opposes the prayer submitting that he has threat to his life in Sasaram.

7. Learned counsel for the petitioner submits that a criminal case against the petitioner has also been filed for the assault made by him/family members and she has greater risk in coming to Ara fearing another round of assault.

8. In that background, when there is claim and counter claim, this Court has to weigh the same and case if it is decided in favour of the lady who is unemployed, dependent upon her parents, economically not strong and as such it may not be possible for her to attend the proceeding before the learned Principal Judge, Family Court, Sasaram.

9. Further, the fear of assault by the opposite party has to be taken into account. Learned counsel for the petitioner submits/undertakes that in case the suit is transferred to Sasaram, the lady and her family members have absolutely no intention to take law in their own hands.



10. Accepting the said undertaking made by the learned counsel for the petitioner and on the basis of the facts incorporated above, this Court is inclined to allow the present petition.

11. Let the files of Matrimonial Case No. 354 of 2023 (Divorce) pending before the Court of learned Principal Judge, Family Court, Bhojpur at Ara be transferred to the Court of learned Principal Judge, Family Court, Rohtas at Sasaram.

12. The MJC No. 229 of 2024 stands disposed of.

(Rajiv Roy, J)

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