

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.545 of 2018

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Kumari Saurabh @ Kumari Shaurav W/o Dharmendra Kumar, R/o Shiv Shakti Bhawan, Road No. 15B, Rajeev Nagar, P.S.- Rajeev Nagar, District- Patna. at present residing with her father at Village- Kanker, P.S.- Kero NTPC, District- Aurangabad.

... .. Petitioner/s

Versus

Dharmendra Kumar S/o Late Sheoki Singh, R/o Shiv Shakti Bhwan, Road No. 15B, Rajeev Nagar, P.S.- Rajeev Nagar, District- Patna.

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 15-02-2024 Heard Mr. Ashok Kumar Singh, learned counsel for the petitioner. No one appears on behalf of the sole opposite party.

2. Pursuant to the order passed by a coordinate bench on 7.9.2018, notices were issued to the opposite party in connection with Matrimonial Case No. 1293 of 2016 and further proceeding before the Court of learned Principal Judge, Family Court, Patna was stayed.

3. As per the office report, the notice has been validly served upon the sole opposite party through A/D and this Court has perused the same and record that it has been validly served. Even the other notice has been received by his brother, Monu Kumar on 27.9.2018. As such, the notice is deemed to be validly



served.

4. The petitioner has prayed for transfer of Matrimonial Case No. 1293 of 2016 (Dharmendra Kumar Vs. Kumari Shaurav) from the Court of learned Principal Judge, Family Court, Patna to the Court of learned Principal Judge, Family Court, Aurangabad.

5. Learned counsel for the petitioner submits that the marriage of the petitioner with the opposite party took place on 13.3.2012 whereafter, she shifted from her parents' home at Aurangabad to Rajiv Nagar, Patna but was always tortured for dowry. Accordingly, two cases were preferred by the petitioner vide Complaint Case No. 1083 of 2017 and Maintenance Case No. 782 of 2017 before the competent court at Aurangabad, her parents' home. However, only to harass her, the Matrimonial Case No. 1293 of 2016 was preferred by the sole opposite party before the learned Principal Judge, Family Court, Patna. It is his submission that not only the petitioner is on the mercy of her parents, she feels threatened due to the criminal attitude of sole opposite party as also his family members which is reflected from the fact that despite the service of notice in the year 2018 itself, there is no representation in the present case.

6. As recorded above, the opposite party chose not to



appear and contest the case.

7. In that view of the matter, the MJC No. 545 2018 is allowed.

8. The Matrimonial Case No. 1293 of 2016 pending before the Court of learned Principal Judge, Family Court, Patna is transferred to the Court of learned Principal Judge, Family Court, Aurangabad.

(Rajiv Roy, J)

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