

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1755 of 2024

Deep Shikha Pandey, Wife of Brajesh Kr. Mishra @ "Nand" @ Rajan, Son of Nand Kumar Mishra, Resident of village and P.O. Itwa, P.S. Haspura, District- Aurangabad (Bihar) at present D/o Sri Ashwani Kumar Pandey, Resident of village- Dak Bangla Colony Gorhana (Godna) road Ara, P.S. Ara Nawada, District- Bhojpur.

... .. Petitioner/s

Versus

Brajesh Kumar Mishra @ "Nand" @ Rajan, Son of Nand Kumar Mishra Resident of village and P.O. Itwa, P.S. Haspura, District- Aurangabad (Bihar).

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jharkhandi Upadhyay, Adv.

For the Opposite Party/s : None.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

7 10-10-2025 Heard Mr. Jharkhandi Upadhyay, learned Advocate
for the petitioner.

2. Despite the repeated deferments for appearance of opposite party, till date he did not turn up.

3. The petitioner by filing the present application seeking transfer of Matrimonial Case No.230 of 2023 filed by the opposite party before the Court of learned Principal Judge, Family Court, Aurangabad to the Court of learned Principal Judge, Family Court, Bhojpur at Ara.

4. Learned Advocate for the petitioner submitted that irrespective of the fact that the marriage of the petitioner was solemnized in the year 2019 and the couple also blessed with a girl child, she was subjected to demand of dowry and torture in



various ways leading to institution of Domestic Violence Case No. 6 of 2024 against the opposite party and his family members, before the learned C.J.M., Bhojpur, Ara. It is further contended that though the petitioner has performed all his matrimonial obligation, but the opposite party did not mend his ways and finally the petitioner was ousted from her matrimonial home and compelled to live with her parents at Bhojpur, Ara. The petitioner is a woman aged about 26 years having a small girl child aged about four years is unable to attend the matrimonial case running in the Court of learned Principal Judge, Family Court, Aurangabad. It is also contended that the husband of the petitioner (opposite party) has now been posted at Bal Sankrakshan Ikai, Nawada, putting immense pressure and threatened her with dire consequences; thus the petitioner is also facing apprehension of danger to her life. The petitioner is also not getting any financial assistance from the opposite party and due to physical harassment and financial scarcity meted at the hands of the opposite party, the petitioner is unable to pursue the matrimonial case, which is pending at far distant place.

5. Before parting with the case, it would be pertinent to observe that the Hon'ble Supreme Court in the case of **Sumita Singh Vs. Kumar Sanjay**, reported in, **(2001) 10 SCC**



41 and Rajani Kishor Pardeshi Vs. Kishor Babulal Pardeshi, reported in, **(2005) 12 SCC 237**, has underscored that more weightage and consideration should be given to the convenience of the female litigants and transfer of legal proceedings from one Court to another Court should ordinarily be allowed in order to avoid undue hardship to the female litigants.

6. Considering the submissions advanced by the learned Advocates for the respective parties and taken note of the judicial pronouncements of the Apex Court in the case of **Sumita Singh** (supra), as also the fact that Domestic Violence Case No.6 of 2024 is already pending before the Court of learned Chief Judicial Magistrate, Bhojpur at Ara and the petitioner has no means of earning besides a small girl child in her lap and there is none in her family to look after the girl child, this Court finds substance in the submissions of the learned Advocate for the petitioner. Accordingly, the present application stands allowed.

7. Matrimonial Case No.230 of 2023 is hereby transferred from the Court of learned Principal Judge, Family Court, Aurangabad to the Court of learned Principal Judge, Family Court, Bhojpur at Ara.

8. Suffice it to observe that after transfer of the



record(s), a fresh notice shall be required to be served upon the
opposite party on his correct and present address.

(Harish Kumar, J)

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