

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1795 of 2022

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Lovely Kumari, W/o Punit Kumar, D/o Pawan Kumar Jha, R/o Jagarnath Basan, P.S.- Lalganj, District- Vaishali (Bihar).

... .. Petitioner/s

Versus

Punit Kumar, Son of Sri Bhola Nath Tiwari, Resident of Village- Bhakharua Daudnagar, P.S.- Daud Nagar, Dist.- Aurangabad.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand, Advocate

For the Opposite Party/s : None

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 26-09-2025

Despite repeated call, no one appears on behalf of opposite party. Earlier also when the matter was taken up on 12.09.2025, the position was the same.

2. The present application has been preferred for transfer of Matrimonial (Restitution of Conjugal Right) Petition No. 218 of 2022, 1955 filed by opposite party under Section 9 of the Hindu Marriage Act, from the Court of learned Principal Judge, Family Court, Aurangabad to the Court of learned Principal Judge, Family Court, Vaishali at Hajipur.

3. Learned Advocate for the petitioner submitted that the marriage of the petitioner was solemnized with opposite



party on 28.04.2021. Soon after the marriage, the petitioner was subjected to demand of dowry and on account of non-fulfillment of the same, she was tortured in various ways, leading to institution of Lalganj P.S. Case No. 335 of 2022, for the offences punishable under Sections 341/323/504/506/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act, which is pending in the Division of Vaishali at Hajipur.

4. Mr. Vijay Anand, learned Advocate for the petitioner submitted that besides the fact the petitioner is subjected to torture and cruelty, she is facing acute financial hardship and now she has been residing along with her parents, who have no means to look after her and, as such, it is not possible for her to *bonafidely* attend the proceeding and contest the case, i.e. Matrimonial (Restitution of Conjugal Right) Petition No. 218 of 2022.

5. It has been specifically contended that the distance between Aurangabad to Hajipur is almost 200 Km., the petitioner being a young lady and there is non in her family to look after, hence the present application.

6. 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.

7. In the case in hand, this Court, *prima facie*, finds that on being ousted from the matrimonial home, now the petitioner has been residing along with her parents at Hajipur, which is at a distance of 200 Km from Aurangabad and besides the aforesaid fact one matter, bearing Lalganj P.S. Case No. 335 of 2022, is also pending in the Division of Vaishali at Hajipur.

8. Noticing the aforesaid position, this Court finds merit in the present application, accordingly, the same stands allowed with a direction to the learned Principal Judge, Family Court, Aurangabad to transfer the record of Matrimonial (Restitution of Conjugal Right) Petition No. 218 of 2022 to the court of learned Principal Judge, Family Court, Vaishali at Hajipur.

9. It is made clear that after receipt of the record, learned Principal Judge, Family Court, Vaishali at Hajipur shall issue fresh notice to opposite party for his appearance.



10. With the aforesaid direction, the application stands
allowed.

(Harish Kumar, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27 .09.2025
Transmission Date	NA

