

**HIGH COURT OF TRIPURA  
AGARTALA**

**Tr.P.(C) No.01/2023**

Smt. Ritabreeta Bhattacharjee

----Petitioner(s)

Versus

Sri Jaydip Chakraborty

-----Respondent(s)

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For Petitioner(s) : Mr. Dipankar Sarma, Advocate.

For Respondent(s) : None.

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**HON'BLE THE CHIEF JUSTICE (ACTING)**

**Order**

**09/03/2023**

It is seen from the record that steps were taken by the Registry for serving notice upon the sole respondent but the father of the respondent-husband refused to take notice and the notice has been returned unserved without effecting service. Accordingly, this Court heard Mr. Dipankar Sarma, learned counsel appearing for the petitioner-wife.

2. The instant petition is filed by the petitioner under Section 24 of the Code of Civil Procedure seeking transfer of the case bearing No. T.S.(Judicial Separation) 06 of 2022 from the Court of learned Family Judge, Agartala, West Tripura to the Court of learned Family Judge, Dharmanagar, North Tripura.

3. The facts of the case, in brief, are that the marriage between the petitioner and the respondent was solemnized on 28.04.2022 at West Dewanpasha, Dharmanagar as per Hindu rites and customs. But the marriage between them could not be consummated due to impotency of the respondent-husband. Subsequently, when the petitioner asked her husband regarding the cause of getting married despite his impotency, the respondent in connivance with his father and mother started mental and physical torture upon the petitioner demanding dowry of Rs.5,00,000/- to be brought from her parental house. The petitioner expressed her inability to meet up the demand of her husband and under compelling circumstances, left her matrimonial house on 04.06.2022. The respondent with ill intention filed petition being T.S.(Judicial Separation) 06 of 2022 before the Judge, Family Court, Agartala, West Tripura under Section 10 of the Hindu Marriage Act against the petitioner. The petitioner also filed a petition under Section 12 of the Hindu Marriage Act, 1955 before the Court of Family Judge, Dharmanagar, North Tripura, being numbered as T.S.(Nullity) 02 of 2022. Petitioner also filed a petition under Section 12 of the Domestic Violence Act, 2005 being Domestic No.85 of 2022 before the Court of learned Chief Judicial Magistrate, Dharmanagar, North Tripura. It is alleged by the petitioner that being a resident of Dharmanagar it is difficult on her part to attend Court at Agartala which is at a distance of about 190 kms. from

Dharmanagar since there is none to accompany her. Under such compelling circumstances, petitioner filed the instant petition seeking transfer of the case bearing No. T.S.(Judicial Separation) 06 of 2022 from the Court of learned Family Judge, Agartala, West Tripura to the Court of learned Family Judge, Dharmanagar, North Tripura. Hence, this case.

4. Mr. Dipankar Sarma, learned counsel for the petitioner, contends that since there is none to accompany the petitioner it is difficult on her part to attend Court at Agartala every time by travelling such a long distance. Counsel also contends that the petitioner has no source of income and as such, there is also financial stringency on part of her to bear such huge expenses and accordingly, he prays for transferring the case from Agartala to Dharmanagar.

5. Having heard the submissions of learned counsel for the petitioner, this Court is of the considered view that the petition for nullity of marriage filed by the petitioner-wife and the petition for judicial separation filed by the respondent-husband can be heard by the same Judge to avoid any untoward situation and the learned Family Judge, Dharmanagar has the jurisdiction to entertain the pending divorce petition filed by the husband. Moreover, the petitioner seeks transfer on the ground of lack of financial resources to defend herself and also on the ground that her husband was

creating pressure upon her on demand of dowry. It is also admitted fact that it would be very difficult on part of the petitioner to appear before the concerned Family Court at Agartala which is admittedly far away from Dharmanagar.

6. In view of above, the transfer petition is allowed. The case bearing No. T.S.(Judicial Separation) 06 of 2022 filed by the respondent-husband is transferred from the Court of learned Family Judge, Agartala, West Tripura to the Court of learned Family Judge, Dharmanagar, North Tripura. The learned Judge, Family Court, Agartala, West Tripura shall remit the concerned file to the Court of learned Family Judge, Dharmanagar, North Tripura forthwith. The parties will be intimated of the date of their respective appearances as and when the case record is received by the transferred Court.

Pending application(s), if any, also stands disposed of.

**CHIEF JUSTICE (ACTING)**

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