

**HIGH COURT OF TRIPURA
AGARTALA
Tr.P.(C) NO.12 OF 2023**

Smt. Jolly @ Julie Chakraborty

..... **Petitioner(s)**

Vs.

Sri Ajoy Chakraborty

..... **Respondent(s).**

For the Petitioner(s) : Mr. R. Purukayastha, Advocate.

For the Respondent(s) : Mr. D. Paul, Advocate.

Date of hearing and delivery of
Judgment & Order : 26.07.2023

Whether fit for reporting : YES/NO.

HON'BLE MR JUSTICE T. AMARNATH GOUD

JUDGMENT AND ORDER(ORAL)

This present petition has been filed under Section 24 read with Section 151 of the Civil Procedure Code for withdrawing Case No.T.S.(Divorce)14 of 2023 from the learned Court of Family Judge, South Tripura, Belonia, and transfer the same for trial to the learned Court of Addl. District Judge, Kamalpur, Dhalai District to try the case within Dhalai District.

2. The brief fact of the case is that the marriage between the petitioner-wife and the respondent-husband had been solemnized on 13.12.2021. On 11.12.2022 the respondent tried to kill the petitioner by inflicting injuries upon her by 'dao'. As a result, of the assault, the petitioner sustained severe bleeding

injury on her head. She was treated in different hospitals. Subsequently, the father of the petitioner lodged FIR in the Belonia Women P.S. registered and numbered as BLN W/P 37/2022. In February 2023, the petitioner filed a maintenance case before the learned Court of Judicial Magistrate First Class, Kamalpur, Dhalai Tripura, registered and numbered as CrI. Misc.09/2023. The petitioner received notice along with the application registered as Case No.T.S.(Divorce)14 of 2023 filed by the respondent. Since the petitioner is not in a position to contest the case at Belonia, South Tripura, for the reasons stated in the petition, the petitioner has approached this Court for withdrawing Case No.T.S.(Divorce)14 of 2023, from the learned Court of Family Judge, South Tripura, Belonia and transfer the same for trial to the learned Court of Addl. District Judge, Kamalpur, Dhalai District to try the case and for disposal within the Dhalai District.

3. Heard Ms. R. Purukayastha, learned counsel appearing for the petitioner-wife as well as Mr. D. Paul, learned counsel appearing for the respondent-husband.

4. Mr. Paul, learned counsel appearing for the respondent submits that in the FIR related to the criminal case, the permanent residential address of the father of the petitioner-wife is at Agartala, they also have another residential address at

Kamalpur, Dhalai District. So, the petitioner side herein is financially adequate to contest the impugned case at Belonia.

5. Heard both sides and perused the evidence on record.

6. In terms of the fact that the father of the respondent has a permanent address in Agartala and Agartala city being in between both Kamalpur and Belonia, this present T.S.(Divorce)14 is 2023 is transferred to the learned Judge, Family Court, Agartala West Tripura. Both parties are to appear accordingly.

7. With the above observation and direction, this present writ petition stands disposed of. As a sequel stay if any stands vacated. Pending application(s), if any also stands closed.

JUDGE

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