

**HIGH COURT OF TRIPURA
AGARTALA**

Tr.P.(C) No.18 of 2023

Smt. Satarupa Dhar

.....**Petitioner**

Versus

Sri Debajit Chanda

.....**Respondent**

For Petitioner(s) : Mr. BN Majumder, Sr. Advocate.
Mr. Sajit Ch. Sen, Advocate.

For Respondent(s) : Ms. V. Podder, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

04.08.2023

Heard Mr. BN Majumder, learned senior counsel assisted by Mr. Sajit Ch. Sen, learned counsel appearing for the petitioner. Also heard Ms. V. Podder, learned counsel representing the respondent.

[2] The present petition has been filed by the wife-petitioner under Section-24 of the Code of Civil Procedure to transfer the divorce case bearing No. T.S. (Divorce) 45 of 2023 pending before the learned Judge, Family Court, Udaipur, Gomati Tripura to the Court of Addl. District Judge, Kamalpur, Dhalai Tripura.

[3] The case of the petitioner-wife is that, the petitioner-wife and the respondent husband got married on 10.8.2020 in the parental house of the petitioner but it is alleged that the respondent-husband started torturing the petitioner-wife immensely on demand of dowry and in result; petitioner-wife was compelled to leave the matrimonial home on 26.10.2020 and she started living in her parental house. According to the wife, the petitioner and her parents have tried many a times to resolve the dispute between the wife and her respondent-husband but they failed to do so.

[4] It is stated by the petitioner-wife in her petition that since she is unemployed and unable to sustain herself, she filed a maintenance petition numbered as Crl. Misc.(Maintenance) 18 of 2020 and interim maintenance case vide Crl. Misc. No.17 of 2020 before the Court of SDJM, Kamalpur, Dhalai Tripura and thereafter, by order dated 18.1.2022 passed by the learned SDJM, Kamalpur, Dhalai Tripura, maintenance of Rs.8000/- per month has been awarded by to the wife from her respondent-husband. The respondent-husband in the meanwhile, filed a RCR case numbered as T.S.(RCR) 14 of 2021 before the learned Family Court, Udaipur, Gomati Tripura and subsequently, the petitioner-wife approached this High Court by filing a transfer petition vide No. Tr.P(C) 28 of 2021 and thereafter, the transferred petition was allowed by this Court and the said RCR case was transferred to the Court of learned Addl. District Judge, Kamalpur, Dhalai Tripura which is still pending in the said court. The respondent-husband has filed a divorce petition vide case No. T.S. (Divorce) 45 of 2023 before the Family Court, Udaipur, Gomati Tripura and accordingly, the petitioner-wife has received notice. Thereafter, seeking transfer of the said divorce case from the Family Court, Udaipur to the Court of Addl. District Judge, Kamalpur, Dhalai Tripura the petitioner approached this Court with the instant petition.

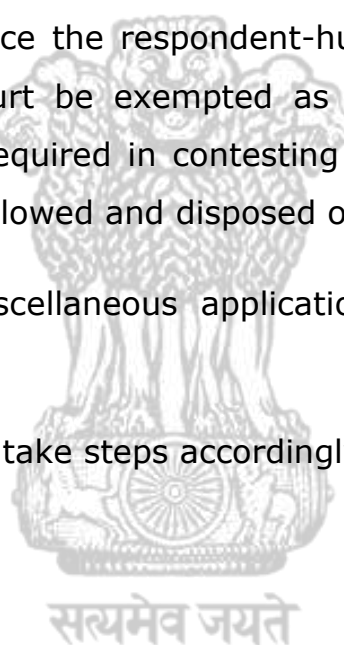
[5] The petitioner-wife stated in her petition that it would be impossible on her part to participate in the day to day hearing of the divorce case at Udaipur and it will cause immense hardship if she has to appear before the Family Court at Udaipur as she has to cover a long distance alone from Kamalpur incurring huge expenses. Petitioner submits that she has no independent income to meet such expenses to be incurred in contesting the case at Udaipur, Gomati District and apprehends that her life may be in danger as there are no relatives of her at Udaipur. It has further been stated that the respondent-husband is a government employee and is receiving salary of an amount of Rs.35,000/- per month and there will be no impediment to contest the suit by the respondent-husband at Kamalpur, Dhalai District if the case is transferred to the Court of learned Addl. District Judge, Kamalpur.

[6] Ms. V. Podder, learned counsel appearing for the respondent-husband submits that the petitioner-wife is getting Rs.8,000/- per month from her husband as maintenance and she can afford the journey from Kamalpur to Udaipur in contesting the divorce case. She has further stated that her client respondent-husband is a Government service holder and it will not be convenient for him to appear in the day to day proceedings at the Court of the Addl. District Judge, Kamalpur.

For the reasons stated in the accompanying affidavit and after hearing both the sides, the proceedings which are pending on the file of Family Court, Udaipur, Gomati Tripura are hereby transferred to the Court of Addl. District Judge, Kamalpur, Dhalai Tripura with a direction to the Court below that since the respondent-husband is a service holder, his presence to the Court be exempted as far as possible unless his presence is essentially required in contesting the case. Accordingly, the present petition stands allowed and disposed of.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

Both parties shall take steps accordingly.



JUDGE

Sabyasachi G.

**SABYASACHI
GHOSH**

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