

**HIGH COURT OF TRIPURA
AGARTALA**

Tr.P.(C) No.23 of 2023

Beauti Begam and another

.....Petitioner(s)

Versus

Rahul Amin

.....Respondent(s)

For Petitioner(s)	:	Ms. M. Chakraborty, Advocate
For Respondent(s)	:	Mr. A.K. Pal, Advocate

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

12.09.2023

Heard Ms. M. Chakraborty, learned counsel appearing for the petitioners. Also heard Mr. A.K. Pal, learned counsel representing the respondent.

[2] The present petition has been preferred by the petitioner-wife under Section-24(1)(b)(ii) of the Code of Civil Procedure, 1908 read with Chapter-VIII Rule P(1) of the High Court of Tripura Rules, 2023 for transferring the case No. Misc.(Guardianship) 07 of 2023 filed by the respondent-husband against the petitioners under Section 2 & 6 of the Guardian and Wards Act, 1890 pending before the Court of learned District Judge, West Tripura, Agartala to the Court of learned District Judge, Sepahijala Tripura, Sonamura.

[3] The case of the petitioner-wife as enumerated in the instant petition in brief is that, the respondent-husband filed a petition against the petitioners (petitioner-wife and her minor daughter) of the instant

petition under Section 2 and 6 of Guardian and Wards Act, 1890 in the Court of learned District and Sessions Judge, West Tripura for seeking direction and declaration that he is the guardian of his minor daughter. The marriage between the petitioner-wife and respondent-husband was solemnized in the year 2011 as per Mohammedan law and out of the wedlock one female child (petitioner No.2 herein) was born who is minor now and presently studying in Class IV at Sonamura English Medium School. It is stated in the petition that the petitioner-wife was subjected to cruelty and deserted by the respondent-husband from her matrimonial house and subsequently, on 11.04.2016 a compromised Talaknama was made between the wife and husband and thereafter the petitioner-wife filed a petition under Section 125 of Cr.P.C. before the learned Judge, Family Court, Sonamura for maintenance of her minor daughter, which is now pending.

[4] It is stated by the petitioner-wife in her petition that the respondent-husband has filed a petition with false, imaginary and concocted stories and being deserted by the respondent-husband, the petitioner No.1 (wife) is staying in her paternal house at Sonamura with her minor daughter which is about 55 km from Agartala. Petitioner-wife has no source of income and totally dependent on her father who is earning his livelihood with acute hardship and on the other end, the respondent-husband has sufficient source of income as he is a Government employee now posted at Sonamura Fire Station. It is also mentioned that the respondent-husband married for the second time and out of that wedlock he has also a daughter and now residing at Sonamura. In the instant petition, the petitioner-wife expressed her

inability to bear the expenses of *to and fro* journey from Sonamura to Agartala with her minor daughter as she has no independent source of income to support herself and her daughter. It has also been stated that in the month of November, 2021, the petitioner-wife met with a road traffic accident and due to which the petitioner sustain multiple hemorrhagic contusion in her brain and she is suffering from decompressive craniotomy for which she is completely under medications all the time and severe headache, irritation and vomiting problems starts during travelling. Hence, it is prayed before this Court to transfer the case bearing No. Misc.(Guardianship) 07 of 2023 from the Court of learned District Judge, West Tripura, Agartala to file of the learned District Judge, Sepahijala District, Sonamura so that, she can contest the said case without any hardship.

[5] Ms. M. Chakraborty, learned counsel for the petitioners contends that it would be impossible on the part of the petitioner-wife to participate in the day to day hearing of the case at Agartala because she has no independent source of income, lives at her paternal home in Sonamura with her minor daughter and is suffering from illness. Learned counsel, therefore, urges the Court to consider the case of the petitioner-wife and transfer the case bearing No. Misc.(Guardianship) 07 of 2023 from the Court of learned District Judge, West Tripura, Agartala to file of the learned District Judge, Sepahijala District, Sonamura.

[6] Mr. A.K. Pal, learned counsel for the respondent has raised an objection in transferring the aforesaid case from the Court of District Judge, West Tripura, Agartala to the Court of District Judge, Sepahijala District, Sonamura with the submission that the respondent-husband

apprehends that he will be attacked from the side of the petitioner-wife at Sonamura and will suffer irreparable loss and injury.

For the reasons stated in the accompanying affidavit and after hearing both the sides, this Court is of the view that the proceedings which are pending on the file of the Court of District Judge, West Tripura, Agartala are hereby transferred to the Court of District Judge, Sonamura, Sepahijala. 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

Digitally signed by SABYASACHI

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