

**HIGH COURT OF TRIPURA
AGARTALA**

Tr.P.(C) No.24 of 2023

Jeli Akhtar**Petitioner(s)**
Versus
Shirajul Islam**Respondent(s)**

For Petitioner(s)	:	Ms. M. Chakraborty, Advocate
For Respondent(s)	:	None

HON’BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

12.09.2023

Heard Ms. M. Chakraborty, learned counsel appearing for the petitioner. None is present for representing the respondent.

[2] The present petition has been preferred by the petitioner 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. T.S. 03 of 2023 filed by the respondent against the petitioner pending before the Court of learned Civil Judge (Junior Division), Kamalpur, Dhalai Tripura to the Court of learned Civil Judge (Junior Division), Kailashahar, Unakoti Tripura.

[3] The case of the petitioner-wife as enumerated in the instant petition in brief is that, the respondent-husband filed a suit against the petitioner of the instant petition bearing No.T.S. 03 of 2023 in the Court of learned Civil Judge (Junior Division), Kamalpur, Dhalai Tripura under Section 9 of the Code of Civil Procedure, 1908 read with Section 34 of the

Specific Relief Act against the petitioner for restitution of conjugal rites as per customary rites of Muslim law. The marriage between the petitioner-wife and respondent-husband was solemnized in the year 2022 as per Mohammedan law. It is alleged that the petitioner-wife was subjected to cruelty and deserted by the respondent-husband from her matrimonial house. Thereafter, the petitioner-wife went to her paternal house at Kailashahar for shelter.

[4] It is stated in the instant petition that the petitioner is staying in her paternal house at Kailashahar and the distance from Kailashahar to Kamalpur is near about 60 kms by road i.e. for *to and fro* journey she has to travel 120 Kms and she has no source of income and totally dependent on her father who is a daily laoburer and earning his livelihood with acute hardship. On the other end, the respondent-husband has sufficient source of income as he is working at Kerala. In the instant petition, the petitioner-wife expressed her inability to bear the expenses of *to and fro* journey from Kailashahar to Kamalpur as she has no independent source of income to support herself. Hence, it is prayed before this Court to transfer the case bearing No. T.S. 03 of 2023 from the Court of learned Civil Judge (Junior Division), Kamalpur, Dhalai Tripura to the Court of learned Civil Judge (Junior Division), Kailashahar, Unakoti Tripura so that, she can contest the said case without any hardship.

[5] Ms. M. Chakraborty, learned counsel for the petitioner contends that it would be quite difficult on the part of the petitioner-wife to participate in the day to day hearing of the case at Kamalpur because she has no independent source of income and is dependent on her father

who is a daily labourer. Learned counsel, therefore, urges the Court to consider the case of the petitioner-wife and transfer the case bearing No. T.S. 03 of 2023 from the Court of learned Civil Judge (Junior Division), Kamalpur, Dhalai Tripura to the Court of learned Civil Judge (Junior Division), Kailashahar, Unakoti Tripura.

[6] In continuation of the docket proceedings dated 11.09.2023, the matter is listed today for the representation from the end of respondent. In spite of the same, there is no representation from the end of respondent. In the earlier order of this Court dated 11.09.2023, it was made clear that if there is no representation on 12.09.2023 i.e. today, the matter would be heard and decided on merit after hearing the learned counsel appearing for the petitioner.

For the reasons stated in the accompanying affidavit and after hearing the submission of the petitioner's counsel, this Court is of the view that the proceedings which are pending on the file of the Court of learned Civil Judge (Junior Division), Kamalpur, Dhalai Tripura are hereby transferred to the Court of learned Civil Judge (Junior Division), Kailashahar, Unakoti Tripura. 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.

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