

**HIGH COURT OF TRIPURA
AGARTALA**

Tr.P.(C) No.29/2022

Smt. Swarupa Bhattacharjee

----Petitioner(s)

Versus

Sri Ayan Chakraborty

-----Respondent(s)

For Petitioner(s) : Mr. Sankar Bhattacharjee, Advocate,
Mr. S. Noatia, Advocate.

For Respondent(s) : Mr. Samarjit Bhattacharjee, Advocate.

HON'BLE THE CHIEF JUSTICE (ACTING)

Order

23/02/2023

Pursuant to order dated 21.02.2023, both the petitioner and the respondent are present today before the Court. Heard Mr. Sankar Bhattacharjee, learned counsel appearing for the petitioner-wife. Also heard Mr. Samarjit Bhattacharjee, learned counsel appearing for the respondent-husband.

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.(D) 39 of 2021 from the Court of learned Family Judge, Kailashahar,

Unakoti Tripura to the Court of learned Family Judge, North Tripura, Dharmanagar.

3. The facts of the case, in brief, are that the marriage between the petitioner and the respondent was solemnized on 22.04.2015 at Nayabari, Assam as per Hindu rites and customs. Subsequently, due to some matrimonial discord, the respondent-husband filed a divorce case against the petitioner before the learned Family Judge, Kailashahar. It is alleged by the petitioner that being a resident of Dharmanagar it is difficult on her part to attend Court at Kailashahar since except her old aged father there is none to accompany her. Moreover, whenever she attended Court at Kailashahar, the respondent created pressure upon her for divorce. Petitioner filed application for maintenance before the learned Family Judge, Kailashahar whereby she was allowed maintenance @ Rs.7,000/- per month but the respondent is not paying the same regularly. As such, petitioner also filed a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 before the Court of learned C.J.M., North Tripura, Dharmanagar which is now pending before the Court of learned J.M. Ist Class, Dharmanagar. Under such compelling circumstances, petitioner filed the instant petition seeking transfer of the case bearing No. T.S.(D) 39 of 2021 from the Court

of learned Family Judge, Kailashahar, Unakoti Tripura to the Court of learned Family Judge, North Tripura, Dharmanagar. Hence, this case.

4. Mr. Sankar Bhattacharjee, learned counsel for the petitioner, contends that the petitioner being a 34 year old lady has now less scope to get remarried and claims Rs.20,00,000/- as permanent alimony and other stridhan properties on mutual divorce. On the other hand, Mr. Samarjit Bhattacharjee, learned counsel for the respondent contends that the respondent is ready for dissolution of marriage on mutual consent and also agreed to return back all the belongings and articles of the petitioner to her but conceded that he is incapable of giving such huge amount of permanent alimony.

5. Having heard the submissions of learned counsel for the parties, this Court is of the considered view that there is no scope of mutual divorce between the parties and it is undisputed that the learned Family Judge, Kailashahar has the jurisdiction to entertain the pending divorce petition filed by the husband. However, 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 for divorce. But perusal of the petition would show that the learned Family Judge,

Kailashahar had already allowed maintenance of Rs.7,000/- in favour of the petitioner. Moreover, there are no details of any harassment by the husband stated in the petition which would prevent the petitioner from appearing before the concerned Family Court at Kailashahar which is admittedly not far away from Dharmanagar.

6. In terms of above, the transfer petition is dismissed.
Pending application(s), if any, also stands disposed of.

CHIEF JUSTICE (ACTING)

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