

GAHC010218392022



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Tr.P.(C)./107/2022

SMT. ANUVA DAS
W/O SRI BIPUL CHANDRA DAS, R/O BANSHBARI, KAMAKHYA LANE,
DIBRUGARH, P.O. AND P.S.-DIBRUGARH, DIST- DIBRUGARH, PIN-786001,
ASSAM

VERSUS

BIPUL CHANDRA DAS
S/O SRI BALARAM CHANDRA DAS, R/O HOUSE NO. 14, BEHARBARI, P.O.-
BELTOLA, P.S.-BASISTHA, GUWAHATI-781029, DIST- KAMRUP (M), ASSAM

Advocate for the Petitioner : MR. A ROY

Advocate for the Respondent : MS. N MODI

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

14.02.2023

Heard Mr. A. Roy, learned counsel for the petitioner. None appears for the respondent on called, though the name of the learned counsel for the respondent is shown in the cause list.

2. The present application is filed under Section 24 of the Code of Civil Procedure, 1908, for Transfer of F.C.(Civil) No. 919/2022 filed under Section 22 of the Special Marriage Act, 1954 praying for a decree of restitution of conjugal rights pending in the Court of learned Principal Judge, Family Court No. II at Kamrup (M), Guwahati to the Court of learned District Judge, Dibrugarh, Assam. The said case was filed by the respondent husband of the petitioner.

3. The case of the petitioner is that she got married with the respondent on 20.01.2020 at Dibrugarh. The petitioner went to her parental house at Dibrugarh while she was in advance stage of six month of pregnancy on 08.12.2021 and out of the said wedlock, a baby boy was born on 10.03.2022 at Brahmaputra Diagnostic & Hospital Ltd at Dibrugarh. However, the respondent husband neglected her and refused to make expenditures.

4. The present petitioner claims that it will be difficult on her part and inconvenient to travel from Dibrugarh to attend the Court of learned Principal Judge, Family Court No. II at Kamrup (M), Guwahati with the breast feeding baby. The petitioner further contends that she is solely depended upon her parents inasmuch as her husband is not supporting her and therefore, she will be burdened with unnecessary expanse.

5. Considered the submissions advanced and the pleadings made in the connected application. The respondent though duly represented has not filed any objection to the present transfer petition.

6. Considering the uncontroverted pleadings, this Court is also of the view that it will be difficult on the part of the petitioner wife to contest the matrimonial case at the learned Court of Principal Judge, Family Court No. II at

Kamrup (M), Guwahati with the breast feeding baby and it will have additional financial burden on her. Accordingly, taking note of the matter in entirety, the present petition is allowed by transferring the case pending in the Court of learned Principal Judge, Family Court No. II at Kamrup (M), Guwahati to the Court of learned District Judge, Dibrugarh, Assam.

7. The learned Principal Judge, Family Court No. II at Kamrup (M), Guwahati, shall transmit the record to the Court of learned District Judge, Dibrugarh, Assam.

8. The parties shall appear before the learned Court of learned District Judge, Dibrugarh, Assam on 03.03.2023.

9. Registry to communicate this order to the Court of learned Principal Judge, Family Court No. II at Kamrup (M), Guwahati as well as the Court of learned District Judge, Dibrugarh, Assam.

JUDGE

Comparing Assistant