

**HIGH COURT OF TRIPURA
AGARTALA**

Tr.P(C) No.04/2024

Smti. Mitali Bhowmik

..... Petitioner(s).

V E R S U S

Shri Debasish Saha

.....Respondent(s).

For Petitioner(s) : Mr. Subham Majumder, Advocate.

For Respondent(s) : Ms. Ankita Pal, Advocate.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

30/05/2024

Heard learned counsel for the parties.

Petitioner-wife seeks transfer of T.S.(RCR) No.02 of 2024 from the Court of learned Family Judge, Unakoti Judicial District, Kailashahar to the Court of learned Family Judge, West Tripura, Agartala. She is staying separately along with two minor daughters in West Tripura due to marital discord with her husband. Petitioner is an Assistant Teacher having been appointed in the year 2020. She is finding it difficult to attend to the proceedings of the matrimonial suit at Unakoti which is at a considerable distance from Agartala.

Learned counsel for the petitioner submits that the petitioner would not be able to properly contest the suit for restitution instituted before the Court of learned Family Judge, Unakoti Judicial District as not only she is employed as an Assistant Teacher under the Government but she has two minor daughters whom she cannot leave behind or take along and further Unakoti District and West Tripura District being separated by considerable distance, it would not be possible to come back on the same day after attending

the Court. The respondent-husband being a businessman may not have the same difficulty. Therefore, the instant suit may be transferred to the competent Court at Agartala.

Learned counsel for the respondent has opposed the prayer. She submits that petitioner being a Government employee may not have such difficulty in contesting the suit which has been filed before the competent Court where the cause of action lies. Otherwise the respondent-husband may have genuine difficulty in commuting from Unakoti District to West Tripura District, Agartala for prosecuting the suit on each date. Therefore, the petition may be rejected.

I have considered the submissions of learned counsel for the parties and taken note of the materials placed on record.

There are three reasons which prevail upon this Court to allow the prayer for transfer of the T.S.(RCR) No.02 of 2024 from learned Family Court, Unakoti District to learned Family Court, West Tripura, Agartala.

(i) That, the two places are separated by considerable distance and it may not be possible for the petitioner-wife to commute on regular basis to contest the suit;

(ii) Petitioner has two minor daughters whom she cannot leave behind while going to attend the proceedings of the suit at Unakoti on each date and come back; and

(iii) Petitioner is an Assistant Teacher under the Government and as such, it may not be possible for her to seek leave every time to attend to the proceedings of the suit at Unakoti.

For the aforesaid reasons, the suit may not be properly contested and may lead to miscarriage of justice.

In view of the aforesaid reasons, this Court is inclined to allow the prayer. Let the records of T.S.(RCR) No.02 of 2024 be transferred from the Court of learned Family Judge, Unakoti Judicial District to the Court of learned Family Judge, West Tripura, Agartala forthwith.

Accordingly, the application is allowed and disposed of.

Pending application(s), if any, also stands disposed of.

(APARESH KUMAR SINGH), CJ

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