

**HIGH COURT OF TRIPURA
AGARTALA**

Tr.P.(C) No.06 of 2024

Smti Joyasree Sarkar, W/O- Shri Prasenjit Gope, D/O Lt. Nirmal Sarkar, Of Bankar, P.O- Belonia, South Tripura

.....Petitioner(s);

Versus

Shri Prasenjit Gope, S/O Shri Nani Gopal Gope, Of Lichu Bagan, Gosh Para, P.O-Kunjaban, P.S.- NCC, West Tripura, Agartala

.....Respondent(s)

For Petitioner(s) : Mr. S. Datta, Advocate.

For Respondent(s) : None.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

08/08/2024

Heard Mr. S. Datta, learned counsel for the petitioner. Despite valid service of notice, respondent has not entered appearance.

Petitioner-wife seeks transfer of T.S.(RCR) No.08 of 2024 from the Court of learned Addl. Judge, Family Court, Agartala, West Tripura to the Court of learned Judge, Family Court, Belonia, South Tripura. Marriage between the parties was solemnized on 07.02.2022 as per Hindu rites and customs. Parents of the petitioner claim to have given gold ornaments, furniture, etc. and made substantial expenditure during the marriage. However, due to further demand of dowry, petitioner was compelled to move out of the matrimonial home and she is residing with her parents since 15.01.2023 at Belonia. Petitioner has also undergone treatment from time to time while at her grandfather's house at Belonia. She has also filed a complaint before the O/C, West Agartala Women P.S. which was registered on 08.02.2023 under Sections 498A/325/34 of IPC being West Agartala Women P.S. Case No.05/2023. Petitioner has further filed a complaint before Belonia Women Police Station

bearing Belonia Women P.S. Case No.21/2023 under Sections 448/427/325/506/34 of IPC. After having received the summons in the T.S.(RCR) case from the learned Addl. Judge, Family Court, Agartala, West Tripura, she has approached this Court as it is difficult for her to attend to the proceedings of the Court at Agartala, West Tripura from Belonia which is approximately 200 Kms. away. Petitioner is without any source of income. As such, she seeks transfer of matrimonial suit to the competent Court at Belonia, South Tripura.

Learned counsel for the petitioner submits that in such circumstances, petitioner may not be able to properly defend herself in T.S.(RCR) No.08 of 2024 pending before the learned Addl. Judge, Family Court, Agartala, West Tripura. Respondent in any case has to come to Belonia to attend to the proceedings of the criminal case instituted by the petitioner. He further submits that petitioner is still undertaking studies. Therefore, the suit may be transferred from the Court of learned Addl. Judge, Family Court, Agartala, West Tripura to the Court of learned Judge, Family Court, Belonia, South Tripura.

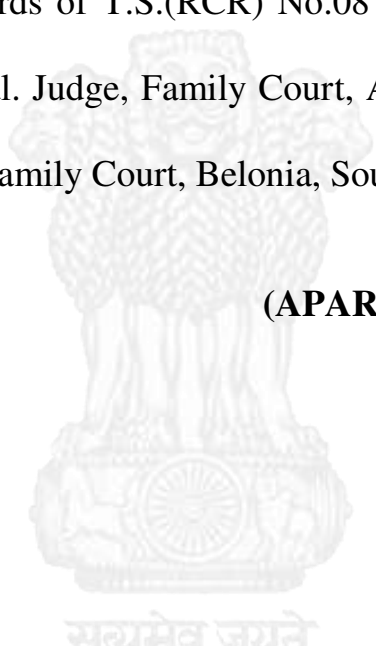
There is no opposition to the prayer as respondent has not entered appearance despite valid service of notice.

Upon consideration of the facts and circumstances as pleaded and taken note above and upon hearing learned counsel for the petitioner-wife, this Court is satisfied that petitioner has made out a prima facie case for transfer of T.S.(RCR) No.08 of 2024 from the Court of learned Addl. Judge, Family Court, Agartala, West Tripura to the Court of learned Judge, Family Court, Belonia, South Tripura. Petitioner is without any independent source of income, still

undertaking studies and dependent upon her parents. Respondent has to attend to the criminal case instituted by her at Belonia. Therefore, it may not be onerous for him to prosecute the suit if it is transferred to the Court of learned Judge, Family Court, Belonia, South Tripura from Agartala. The primacy of convenience also lies in favour of the petitioner who is the wife. As such, application is allowed.

Let the records of T.S.(RCR) No.08 of 2024 be transferred from the Court of learned Addl. Judge, Family Court, Agartala, West Tripura to the Court of learned Judge, Family Court, Belonia, South Tripura.

(APARESH KUMAR SINGH), CJ



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