

**HIGH COURT OF TRIPURA
AGARTALA**

Tr.P.(C) No.07 of 2024

Smt. Rinku Rudra Paul, W/o Sri Sujan Ch. Rudra Paul, D/o Sri Babul Rudra Paul, presently residing at Monuar Tilla, Bhabanipur, P.O. Bhabanipur, P.S. Jatrapur, Sonamura, District- Sepahijala Tripura.

.....Petitioner(s);

Versus

Sri Sujan Chandra Rudra Paul, S/o Sri Parimal Rudra Paul, resident of Krishnanagar, Ranirbazar, P.O. Ranirbazar, P.S. Ranirbazar, District- West Tripura

.....Respondent(s)

For Petitioner(s) : Mr. Pradip Chakraborty, Advocate.

For Respondent(s) : Mr. S. Das, Advocate.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

02/08/2024

Heard Mr. Pradip Chakraborty, learned counsel for the petitioner. Respondent has appeared and filed a written objection to the prayer for transfer of T.S. (RCR) 100 of 2023 instituted by the respondent-husband for restitution of conjugal rights under Section 9 of the Hindu Marriage Act, 1955. Petitioner, being the wife, has sought transfer of the suit from learned Family Court, Agartala, West Tripura to learned Family Court, Sonamura, Sepahijala.

2. Marriage between the parties was solemnized on 10.02.2020. Petitioner contends that she had to leave the matrimonial home because of marital discord and torture on 05.12.2022 and is now living with her parents. It is submitted that petitioner is without any sources of income and a minor child of three years to maintain. She has genuine difficulty in commuting between Sonamura and Agartala on daily basis to attend the case. As such, the case may remain uncontested.

3. The respondent-husband in the written objection has contended that the petitioner has left the matrimonial home without any reasonable cause.

He has been trying for restitution of conjugal rights which she is resisting without any justification. Respondent has an old aged father who is bedridden. He is a contractual Teacher under Samagra Shiksha Project and currently posted at Sukanta Academy English Medium H.S. School. His sources of income are meager. However, while on the one hand it would be difficult for him to prosecute the suit if he is transferred to Sepahijala; on the other hand, he is willing to pay the expenses to the petitioner for attending the case. Therefore, the prayer has been opposed.

4. I have considered the submission of learned counsel for the parties and taken note of the pleadings placed from record. Having regard to the primacy of convenience in favour of the wife, this Court is satisfied that the prima facie case for transfer of T.S. (RCR) 100 of 2023 has been made out from the learned Family Court, Agartala, West Tripura to learned Family Court, Sonamura, Sepahijala since petitioner has a minor son aged three years to maintain and she is without any sources of income, whereas the respondent-husband is employed and in a better position to commute and attend to the proceedings of the suit if transferred to Sepahijala, the grounds which have been raised by the respondent do not appeal to the Court to reject the prayer. Accordingly, it is allowed.

5. Let the records of T.S. (RCR) 100 of 2023 be transferred from the learned Family Court, Agartala, West Tripura to the learned Family Court, Sonamura, Sepahijala.

(APARESH KUMAR SINGH), CJ

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