

**HIGH COURT OF TRIPURA
AGARTALA**

Tr.P.(C) No.11/2024

Smt. Lipika Namasudra, W/O. Sri Laxman Debnath, D/O. Sri Srikanta Namasudra, Resident-Ambassa, TRTC Bus Stand, P.S.-Ambassa, PIN-799289.
..... Petitioner(s).

V E R S U S

Sri Laxman Debnath, S/O. Haralal Debnath, Vill.-Shal Bagan, Hatipara, P.S.-Airport, District-West Tripura.
.....Respondent(s).

For Petitioner(s)	: Ms. P. Chakraborty, Advocate.
For Respondent(s)	: None.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

20/11/2024

Heard Ms. P. Chakraborty, learned counsel for the petitioner.
Respondent has appeared but is unrepresented today.

Petitioner-wife seeks transfer of T.S. (Divorce) No.64 of 2024 from the Court of learned Addl. Judge, Family Court, West Tripura, Agartala to the Court of learned Judge, Family Court, Ambassa, Dhalai Tripura. She also seeks transfer of Civil Misc. No.12 of 2024 instituted by the husband seeking custody of one of the two minor children born out of the wedlock between the parties under Section 26 of the Hindu Marriage Act, 1955 to the Court of learned Family Judge, Ambassa, Dhalai Tripura. The marriage between the parties was solemnized on 30.06.2019. Because of the torture and marital discord, she has been staying with her parents with two minor children.

It is submitted on behalf of the petitioner that she is finding it difficult to attend to the proceedings of the divorce suit and the custody matter pending before the learned Family Court in Agartala as it is not possible on her part to commute from Ambassa to Agartala on a regular basis with two minor

children to maintain and bear the expenses. Therefore, learned counsel for the petitioner has prayed for transfer of the aforesaid cases to the learned Family Court at Ambassa, Dhalai.

Respondent has earlier appeared on notice by filing *Vakalatnama*. On one of the previous two dates, i.e. 06.09.2024 it was submitted by the learned counsel for the respondent Mr. H.K. Bhowmik that due to subsequent developments, it would be proper that parties are sent for mediation to explore possibility of amicable settlement of the dispute. On the next date, learned counsel for the petitioner also on instructions submitted that petitioner is ready to amicably settle the matter before the learned Family Court. On that request, the matter was adjourned for three weeks and parties were asked to bring on record the outcome of the settlement by the next date. However, learned counsel for the petitioner submits that no settlement could be arrived at between the parties. Therefore, the case may be decided on its own merits.

I have considered the submission of learned counsel for the petitioner and taken note of the material facts placed from the record.

Petitioner is an estranged wife living at Ambassa, Dhalai with two minor children whereas the respondent has instituted two suits, one for divorce and other a miscellaneous case for custody of one of the two minor children born out of the wedlock under Section 26 of the Hindu Marriage Act, 1955. It would be onerous for the petitioner to attend to the proceedings of the suit before the learned Family Court, Agartala with two minor children to maintain and the expenses in commuting on regular basis to attend to Agartala from Ambassa. The primacy of convenience in such cases lies in favour of the wife.

In such circumstances, this Court is satisfied that the petitioner has made out a case for transfer of T.S. (Divorce) No.64 of 2024 and Civil Misc. No.12 of 2024 from the Court of learned Addl. Judge, Family Court, West Tripura, Agartala to the Court of learned Judge, Family Court, Ambassa, Dhalai Tripura. It is ordered accordingly.

The transfer petition is disposed of.

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

(APARESH KUMAR SINGH), CJ



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