

**HIGH COURT OF TRIPURA
AGARTALA**

Tr.P.(C) No.27 of 2023

Smt. Ritabreeta Bhattacharjee

..... Petitioner(s);

Versus

Sri Jaydip Chakraborty @ Jyotirayananda Brahmachari

.....Respondent(s)

For Petitioner(s) : Mr. Dipankar Sarma, Advocate.

For Respondent(s) : None.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

05/01/2024

Heard Mr. Dipankar Sarma, learned counsel for the petitioner.

2. Petitioner is the wife who seeks transfer of T.S. (Divorce) No.284/2023 from learned Court of Additional Judge, Family Court, Agartala, West Tripura to the learned Family Court, Dharmanagar, North Tripura.

3. Parties entered into nuptial knot on 28.04.2022. Petitioner has instituted a suit for declaring the marriage as nullity on the grounds of impotency of the respondent. The marital relationship has become soured as per the petitioner on account of persistent physical and mental torture and false allegations against the petitioner and her family. Petitioner has also filed a case under Domestic Violence Act, 2005 bearing No. Domestic 85 of 2022 before the competent court at Dharmanagar. Earlier, the husband had filed a suit for judicial separation being T.S. (Judicial Separation) 06 of 2022 which was transferred by order dated 09.03.2023 from the Family Court, Agartala, West Tripura to the Family Court, Dharmanagar. It got dismissed on 22.06.2023. On similar grounds, the instant T.S. (Divorce) No.284/2023 has been instituted by

the respondent-husband under Section 13(i)(i-a)(i-b) which is pending before the learned Additional Judge, Family Court, Agartala, West Tripura.

4. Mr. Dipankar Sarma, learned counsel for the petitioner, submits that petitioner will not be able to properly attend to the proceedings of the divorce suit at Agartala, as she is wholly dependent upon her parents and Dharmanagar and Agartala are separated by considerable distance. He also submits that earlier on similar grounds, the title suit for judicial separation instituted by the husband was transferred from Agartala to Dharmanagar. Respondent has, in any case, to attend to the suit for declaration of the marriage as nullity instituted by the petitioner at Dharmanagar and also the case under Domestic Violence Act, 2005. As such, it would not be difficult for the respondent to prosecute the divorce suit if it is transferred from Agartala to competent court at Dharmanagar. As such, prayer may be allowed.

5. On consideration of the submission of learned counsel for the petitioner and the pleadings placed from record, it appeals to the Court that since the respondent has to attend to the two cases – one under Section 12(1) of the Hindu Marriage Act, 1955 and the other under Section 12 of the Domestic Violence Act, 2005 at Dharmanagar – and whereas his earlier suit being T.S. (Judicial Separation) 06 of 2022 instituted before learned Family Court, Agartala, West Tripura for judicial separation has been transferred by this Court vide order dated 09.03.2023 in Tr.P.(C) No.01/2023, the instant suit bearing No. T.S. (Divorce) 284/2023 also deserves to be transferred to the learned Family Court, Dharmanagar in the interest of justice. Petitioner is a lady

without any independent source of income. Therefore, she may not be able to properly contest the suit at Agartala, if not transferred.

6. As such, prayer is allowed. Let the records of T.S. (Divorce) No.284/2023 be transferred forthwith from learned Court of Additional Judge, Family Court, Agartala, West Tripura to the learned Family Court, Dharmanagar, North Tripura.

(APARESH KUMAR SINGH), CJ

