

**HIGH COURT OF TRIPURA  
AGARTALA**

**Tr.P.(C) No.28 of 2023**

Smt. Ankana Bhowmik

..... Petitioner(s);

Versus

Sri Kunal Datta

.....Respondent(s)

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For Petitioner(s) : Mr. Kawsik Nath, Advocate.

For Respondent(s) : Mr. Manojit Saha, Advocate.

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**HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH**

**Order**

**12/01/2024**

Heard Mr. Kawsik Nath, learned counsel for the petitioner and Mr. Manojit Saha, learned counsel for the respondent, who has entered appearance on notice.

Petitioner-wife seeks transfer of T.S. (RCR) No.11/2023 from learned Family Court, Belonia, South Tripura to learned Family Court, Agartala, West Tripura. As per the case of the petitioner, parties entered into marriage on 11.12.2019 at the parents' place of the petitioner as per Hindu rights and rituals. The marriage was duly consummated leading to the birth of a female child on 26.05.2021. Petitioner contends that marital discord started from the period when the bride had to go to her paternal house which the respondent and his mother did not allow. It further aggravated in mental and physical torture of the petitioner. She had to undertake treatment under a gynaecologist. Thereafter the relationship between the parties deteriorated further. The minor child also underwent serious health issues. She has therefore been compelled to live at her parental place in West Tripura. She is unemployed having no source of income with a minor child. She is completely dependent upon her father for every need. The respondent has sought restitution of conjugal rights by instituting a suit under Section 9 of the Hindu Marriage

Act, 1955 before the learned Family Court, Belonia, South Tripura. But petitioner is not in a position to attend to the proceedings of the suit at Belonia because she is without any sources of income with a minor daughter to maintain. It is submitted that the suit may remain uncontested if it is not transferred to the competent Court in West Tripura District. Therefore, prayer may be allowed.

Mr. Manojit Saha, learned counsel for the respondent, has opposed the prayer. He submits that the respondent is interested in restitution of conjugal rights which is being resisted by the petitioner on untenable grounds. The parties are undergoing mediation. Therefore, the case may not be transferred.

Learned counsel for the petitioner in reply submits that to his information, no such mediation proceedings are underway.

Upon consideration of rival submission of the parties and taking into account the pleadings on record, this Court is of the opinion that petitioner lady with a three-year-old minor child to maintain and having no independent sources of income, rather completely dependent upon her father, may not be able to properly attend to the proceedings of the suit pending before the learned Family Court, Belonia, South Tripura and it may remain uncontested leading to miscarriage of justice. Therefore, ends of justice would be served if the suit is transferred from learned Family Court, Belonia, South Tripura to learned Family Court, Agartala, West Tripura.

Ordered accordingly. Petition is allowed.

**(APARESH KUMAR SINGH), CJ**