

GAHC010161372023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Tr.P.(C)./66/2023

SMTI RINU RANI DAS
W/O SUDIPTA DAS, D/O LATE HIMANGSHU RANJAN DAS, R/O VILL-
PADMARPAR, P.O.-KADAMTOLA, P.S.-RAM KRISHNA NAGAR, DIST-
KARIMGANJ, ASSAM, PIN-788166

VERSUS

SUDIPTA DAS
S/O LATE SUDHANYA KUMAR DAS, R/O ZOO ROAD TINIALI, P.O.-
CHANDMARI, P.S.-GITANAGAR, DIST- KAMRUP (M), ASSAM, PIN-781024,
P/R/O VILL- GHORAMARA, P.O.-CHATAINYA NAGAR, P.S.-BADARPUR,
DIST- KARIMGANJ, ASSAM, PIN-782446

For the appellant(s) : Mr. F. A. Hassan, Advocate

For the respondent (s) : None appears

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

27.03.2024

Heard Mr. F. A. Hassan, the learned counsel for the petitioner. None has entered appearance on behalf of the Opposite Party.

2. This application has been filed under Section 24 of the Code of Civil Procedure, 1908 seeking transfer of F.C.(Civil) Case No.893/2022 from Court of the learned Principal Judge, Family Court No.3, Kamrup (M) at Guwahati to the Court of the learned District Judge, Karimganj.

3. The case of the petitioner herein is that she got married to the Opposite Party as per Hindu Rites and Rituals and thereafter, she started her conjugal life at her matrimonial house and out of their wedlock a female child was born to them. It is alleged that on 28.08.2017, the Opposite Party brutally assaulted the petitioner on demand of dowry and snatched away her ornaments as well as her breast feeding daughter and consequently she was compelled to take shelter at her parental house. Thereafter, she filed a case for issuance of search warrant and recovery of her aforesaid daughter, and accordingly, custody was granted in her favour by the Court. Thereafter, the petitioner filed a complainant case against the Opposite Party which was registered and numbered as C.R. Case No. 810/2017. Subsequently, the matter was amicably settled between the parties and to this effect, an agreement was executed wherein it is categorically mentioned that such incident will not be repeated by the Opposite Party and his sister. Thereafter, the petitioner was brought back to her matrimonial house along with her daughter and the aforesaid cases were disposed of accordingly. It is the further case of the petitioner that after a few days, the Opposite Party again started demanding cash amount of Rs.60,000/- and started torturing her both mentally and physically and finally drove her out of her matrimonial home along with her minor daughter. Being helpless, the petitioner filed a Complaint Case being CR Case No.608/2019 under Section 498(A)/34 of the IPC before

the Court of the Additional Chief Judicial Magistrate at Karimganj. Thereafter, the petitioner had also filed a case under Section 125 of the Cr.P.C. being Misc. Case No.149/2019 seeking maintenance from the opposite party for herself and for her minor daughter before the learned Additional Chief Judicial Magistrate at Karimganj and was granted Rs.1,600/- as interim maintenance to her.

4. It is the further case of the petitioner that the Opposite Party had in order to further harass the petitioner filed an application under Section 13 (1) (ia) of the Hindu Marriage Act, 1955 before the Court of the Principal Judge, Family Court No.3, Kamrup (M) at Guwahati inspite of knowing that the petitioner resides at Karimganj and it would be difficult for her to pursue the litigation at Guwahati. The said case is registered as F.C.(Civil) Case No.893/2022.

5. The petitioner upon receiving the summons had filed the instant proceeding seeking transfer of the F. C. (Civil) Case No. 893/2022 from the Court of Principal Judge, Family Court No.3, Kamrup at Guwahati to the Court of the District Judge, Karimganj.

6. I have heard the learned counsel for the petitioner. Taking into consideration that the petitioner has expressed difficulties in her participation in the proceedings at Guwahati as she is unable to afford to travel to Guwahati, this Court is of the opinion that the petitioner's prayer for transfer of the proceedings from the Court of the Principal Judge, Family Court No.3, Kamrup (M) at Guwahati to the Court of the District Judge, Karimganj should be allowed. Accordingly, the proceedings in F.C. (Civil) Case No.893/2022 is transferred from Court of the learned Principal Judge, Family Court No.3, Kamrup (M) at Guwahati to the Court of the to

the Court of the learned District Judge, Karimganj.

7. The Court of the Principal Judge, Family Court No.3, Kamrup (M) at Guwahati is directed to forthwith transfer the records to the Court of the District Judge, Karimganj.

8. With the above observations the instant petition stands allowed and disposed of.

9. The parties shall appear before the Court of the District Judge at Karimganj on 06.05.2024 and on which date the petitioner shall file her written statement without fail.

10. The Registry is directed to intimate both the Courts below about this order.

11. The interim order passed earlier stands vacated.

JUDGE

Comparing Assistant