

HIGH COURT OF TRIPURA

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TRP(C) NO.03 of 2025

Smt. Champa Paul (Majumder), wife of Sri Rajib Majumder, daughter of Sri Amar Krishna Paul of Village Harina (Nanda Kumar Para), P.O. Harina, P.S. Sabroom, South Tripura, presently residing at CO. Sri Abhiman Rudra Paul, Son of Sri Krishan Chandra Rudra Paul of Subhas Nagar, Nabin Palli, P.O. East Pratapgarh, P.S. East Agartala, District- West Tripura.

..... *Wife-Petitioner(s)*

V E R S U S

Sri Rajib Majumder, son of Sri Pradip Kumar Majumder, resident of village- Santir Bazar, P.O. & P.S.- Santirbazar, District- South Tripura.

..... *Husband-Respondent(s)*

For Petitioner(s) : Mr. Tapan Saha, Advocate.

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

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

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26/03/2025

Heard Mr. Tapan Saha, learned counsel appearing for the petitioner-wife and also heard Mr. Alik Das, learned counsel appearing for the respondent-husband.

Petitioner-wife seeks transfer of Title Suit (Divorce) No.85 of 2024 from the learned Family Court, South Tripura, Belonia to the learned Family Court, West Tripura, Agartala.

Marriage between the spouses was solemnized on 11.08.2011 and out of the wedlock, a son was born on 12.12.2012. Petitioner had to leave the matrimonial home due to torture in the first week of May, 2018. She is staying with her parents without any independent source of income. Petitioner had filed a maintenance case under Section 125 Cr.P.C being

Misc.550 of 2018 which was allowed on 11.09.2019. Petitioner is finding it onerous and expensive to attend to the proceedings of the matrimonial suit before the learned Family Court, South Tripura, Belonia as it is at a considerable distance from Agartala and moreover she does not have any independent source of income with a twelve year old minor son to maintain. Respondent is a Group-C employee in Tripura Rehabilitation Plantation Corporation Ltd. Therefore, petitioner has approached this Court for transfer of the matrimonial suit. The suit is at the stage of appearance.

An objection has been filed today by the respondent-husband making a categorical statement that petitioner-wife along with the minor child is staying at Harina, Sabroom, South Tripura but her present address has been falsely stated as at Agartala. Their son has been admitted in Harina Higher Secondary School, Sabroom, South Tripura. Therefore, the plea for transfer of the suit from the learned Family Court, South Tripura, Belonia to the learned Family Court, West Tripura, Agartala is not tenable on facts. The respondent has stated that he is in a petty job under the government working as a field worker in the Tripura Rehabilitation Plantation Corporation Limited and the last net salary drawn by him is Rs.19,500/- for the month of November, 2024. He is providing maintenance to his wife and son to the tune of Rs.11,000/- per month. Therefore, the prayer may be rejected.

Learned counsel for the petitioner has drawn the attention of this Court to the application for divorce under Section 13(ia) & (ib) preferred by the respondent-husband before the learned Family Court, South Tripura, Belonia being T.S.(Div) No.85 of 2024. He has pointed out to the

present address of the petitioner provided in the cause title by the respondent-husband as that of Subhas Nagar, Nabin Palli, East Pratapgarh, Agartala, West Tripura. He has also drawn the attention of this Court to the statement made at paragraph 6 of the divorce petition where it is stated that the respondent-wife has presently started to live at Subhash Nagar, Nabin Palli, Agartala in the house of Abhiman Rudra Paul along with his minor child without any marital obligations towards the petitioner. It is submitted that the petitioner is indeed forced to live in separation at Agartala because of torture in the matrimonial home. The statement made in the objection petition, therefore, does not have much truth in it. Petitioner may not be able to properly contest the suit if it is not transferred to learned Family Court, Agartala since Agartala and Belonia are separated by considerable distance and it is expensive also to travel on each and every date.

I have considered the submissions of learned counsel for the parties and taken note of the materials placed from record. In the facts and circumstances noted above, when the respondent-husband has himself stated in the divorce petition that the wife is staying in Agartala in the house of Abhiman Rudra Paul, such a plea to oppose the prayer for transfer cannot be countenanced. The divorce suit has been instituted on the charges of cruelty and desertion which are stigmatic in nature. If the suit is not properly contested it may lead to miscarriage of justice. In such circumstances, since the primacy of convenience lies in favour of the wife, this Court is satisfied that the Title Suit (Divorce) 85 of 2024 deserves to be transferred from the learned Family Court, South Tripura, Belonia to the learned Family Court, West Tripura, Agartala in the interest of justice.

Ordered accordingly.

The instant petition stands disposed of.

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

(APARESH KUMAR SINGH) CJ

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