

**HIGH COURT OF TRIPURA
AGARTALA**

Tr.P.(C) No.04/2025

Smt. Dipika Deb Choudhury, W/O. Sri Sibsankar Das, D/O. Late Mrinal Kanti Deb Choudhury, resident of Badharghat, Agartala, P.O.-Badharghat & P.S.-Amtali, District-West Tripura, PIN-799001.

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

V E R S U S

Sri Sibsankar Das, S/O. Sri Subodh Chandra Das, resident of Office Tilla, Khowai, P.O.-Office Tilla & P.S.-Khowai, District-Khowai Tripura, PIN-799202.

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

For Petitioner(s) : Ms. Rajasree Purkayastha, Advocate.

For Respondent(s) : None.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

19/03/2025

Heard Ms. Rajasree Purkayastha, learned counsel for the petitioner.

Respondent has appeared on notice, but no one is present today when the matter is taken up.

Petitioner-wife seeks transfer of T.S. (R.C.R) 10 of 2024 from the learned Family Court, Khowai to the learned Family Court, West Tripura, Agartala.

The marriage between the parties was solemnized on 30.01.2020 and out of the wedlock twin sons were born on 18.09.2021. Petitioner had to leave the matrimonial home on 10.08.2022 because of mental and physical torture. It is submitted that she is a contractual employee and presently residing with her parents at Agartala. She might find it difficult to attend to the proceedings of the matrimonial suit at Khowai. Therefore, petitioner has sought

transfer of the matrimonial suit from the learned Family Court, Khowai to the learned Family Court, West Tripura, Agartala.

Learned counsel for the petitioner at the outset submits that inadvertently it could not be pointed out to this Court on the first date that the suit has proceeded *ex parte* against the petitioner vide order dated 21.12.2024. Petitioner has already taken steps for vacation of the *ex parte* order on 05.03.2025 before the learned Family Court, Khowai. This Court had stayed the further proceedings in T.S. (R.C.R.) No.10 of 2024 during pendency of this petition.

Learned counsel for the petitioner submits that in view of the reasons indicated in the petition, petitioner would not be in a position to properly contest the matrimonial suit at Khowai as she is not only a contractual employee residing with her parents at Agartala but she has also minor twin sons to maintain. Therefore, the matrimonial suit may be transferred to learned Family Court, West Tripura, Agartala.

Despite service of notice, no objection has been filed.

Upon consideration of the materials placed from record and on hearing learned counsel for the petitioner, this Court is of the considered view that if the suit is not transferred from learned Family Court, Khowai to learned Family Court, West Tripura, Agartala, petitioner would be seriously prejudiced as she may not be able to contest the suit due to her contractual engagement at Agartala. She has also two minor sons born out of the wedlock on 18.09.2021 whom she has to maintain. In such cases, the primacy of convenience lies in favour of the wife.

As such, T.S. (RCR) No.10 of 2024 is directed to be transferred from the Court of learned Family Judge, Khowai Tripura to the Court of learned Family Judge, West Tripura, Agartala forthwith.

The transfer petition is accordingly disposed of.

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

(APARESH KUMAR SINGH), CJ

Pulak

PULAK BANIK Digitally signed by PULAK BANIK
Date: 2025.03.20 16:32:36 +05'30'

सत्यमेव जयते