

**HIGH COURT OF TRIPURA
AGARTALA**

Tr.P.(C) No.06/2025

Smt. Swagata Biswas, W/O. Sri Shambhu Bhattacharjee, D/O. Sri Samir Kanti Biswas, resident of South Kacharghat, P.S.-Kailashahar, District-Unakoti Tripura.

..... Petitioner(s).

V E R S U S

Sri Shambhu Bhattacharjee, S/O. Sri Hari Madab Bhattacharjee, resident of Haritala, Chandrapur, P.S.-Dharmanagar, District-North Tripura.

.....Respondent(s).

For Petitioner(s) : Ms. Monalisa Sarkar, Advocate.

For Respondent(s) : None.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

02/04/2025

Heard Ms. Monalisa Sarkar, learned counsel for the petitioner.

Petitioner-wife seeks transfer of Title Suit (Divorce) No.96 of 2024 instituted by the husband under Section 13(1)(iii) of the Hindu Marriage Act, 1955 from the Court of learned Family Judge, North Tripura, Dharmanagar to the Court of learned Family Judge, Kailashahar, Unakoti Tripura. The marriage between the parties was solemnized on 08.07.2022. Out of their wed-lock, a female child was born on 28.03.2023. She has been compelled to leave the matrimonial home due to ill treatment on 31.03.2024. Thereafter, the respondent-husband has filed the suit for divorce in the Court of learned Family Judge, North Tripura, Dharmanagar. Since the petitioner is without any sources of income and dependent upon her aged parents and there is no one to look after her minor daughter, it would be difficult for her to attend to the suit at North Tripura, Dharmanagar. Therefore, she has prayed for transfer of Title Suit (Divorce) No.96/2024 from the Court of learned Family Judge, North Tripura, Dharmanagar to the Court of learned Family Judge,

Kailashahar, Unakoti Tripura though North Tripura, Dharmanagar and Kailashahar, Unakoti are not separated by considerable distance.

Service of notice has been effected upon the respondent-husband but he has chosen not to enter appearance till date.

Learned counsel for the petitioner submits that since the petitioner is without any sources of income and dependent upon her aged parents and there is no one to look after her minor daughter, the matrimonial suit may be transferred from the Court of learned Family Judge, North Tripura, Dharmanagar to the Court of learned Family Judge, Kailashahar, Unakoti Tripura, otherwise she may not be able to contest the suit effectively.

There is no opposition to the prayer.

Upon hearing learned counsel for the petitioner and after taking note of the materials placed from record, since in such cases, the primacy of convenience lies in favour of the wife, this Court is inclined to allow the prayer of the petitioner as she may not be able to properly contest the suit with her minor daughter to maintain and is also without any independent source of income. It would not be onerous upon the respondent to prosecute the suit if it is transferred to the Court of learned Family Judge, Kailashahar, Unakoti Tripura.

As such, Title Suit (Divorce) No.96 of 2024 is directed to be transferred from the Court of learned Family Judge, North Tripura, Dharmanagar to the Court of learned Family Judge, Kailashahar, Unakoti Tripura forthwith.

The transfer petition is accordingly disposed of.

(APARESH KUMAR SINGH), CJ

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