

**HIGH COURT OF TRIPURA
AGARTALA**

Tr. P.(C). No.9 of 2025

Museda Begam, W/o Abul Bashar, resident of Pouramura ICDS, Holakhet, P.S.
R.K. Pur, District-Gomati, Tripura, Pin-799113.

..... Petitioner(s).

V E R S U S

Abul Bashar, S/o Abul Kasem, resident of Indiranagar, P.S. Melagarh,
Sepahijala District, Tripura, Pin-799115.

..... Respondent(s).

For Petitioner(s) : Mr. Debasish Datta, Advocate.

For Respondent(s) : None.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

25/06/2025

Heard Mr. Debasish Datta, learned counsel for the petitioner.
Despite valid service of notice respondent has not entered appearance to
contest the prayer.

2. Petitioner seeks transfer of T.S. (RCR) 05 of 2025 from the
learned Family Court, Sonamura, Sepahijala District to the learned Family
Court, Udaipur, Gomati District.

3. Marriage between the parties was solemnized on 18.05.2019.
Petitioner alleges that she was driven out of the matrimonial home after
physical and mental torture on 07.04.2023. Petitioner has filed a maintenance
case under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023
(BNSS) before the learned Family Court, Udaipur, Gomati District. She has
also filed a case being C.R. (DV) 29 of 2024 under the Protection of Women
from Domestic Violence Act, 2005 before the Court of learned Chief Judicial
Magistrate, Udaipur, Gomati District. Thereafter, she has received a notice in

the matrimonial suit filed under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights.

4. Learned counsel for the petitioner submits that petitioner is without any sources of income and may not be able to properly contest the suit if it is not transferred from the learned Family Court, Sonamura, Sepahijala District to the learned Family Court, Udaipur, Gomati District. Therefore, she has approached this Court.

5. Learned counsel for the petitioner submits that for the aforesaid reasons, T.S. (RCR) No.05/2025 may be transferred from the learned Family Court, Sonamura, Sepahijala District to the learned Family Court, Udaipur, Gomati District.

6. There is no opposition to the prayer since respondent has chosen not to appear despite valid service of notice.

7. On consideration of the submission of the learned counsel for the petitioner and the materials placed from record, it is apparent that the petitioner is pursuing a maintenance case at Udaipur in Gomati District and has also filed a case under the Protection of Women from Domestic Violence Act, 2005 before the learned Chief Judicial Magistrate, Udaipur, Gomati District. Therefore, the respondent-husband in any case has to attend the proceedings of these two cases before the learned Court at Udaipur. The petitioner may otherwise also have difficulty in attending to the matrimonial suit before the learned Family Court, Sonamura, Sepahijala District since she has no independent source of income. In such circumstances, this Court is satisfied that the petitioner has made out a prima facie case for transfer of T.S. (RCR) 05

of 2025 from the learned Family Court, Sonamura, Sepahijala District to the learned Family Court, Udaipur, Gomati District. Therefore, this Court is of the opinion that T.S. (RCR) No.05/2025 deserves to be transferred from the learned Family Court, Sonamura, Sepahijala District to the learned Family Court, Udaipur, Gomati District.

8. Accordingly, the prayer is allowed. Let the records of T.S. (RCR) No.05/2025 be transferred from the learned learned Family Court, Sonamura, Sepahijala District to the learned Family Court, Udaipur, Gomati District.

9. Ordered Accordingly.

Interim stay order, if any, stands vacated.

Pending application(s), if any, shall stand disposed of.

(APARESH KUMAR SINGH), CJ