

**HIGH COURT OF TRIPURA
AGARTALA**

Tr.P.(C). No.11 of 2025

Smt. Champa Bhaumik (Biswas), Age-41 years, W/o Sri Biswajit Biswas, D/o Lt. Narayan Ch. Bhowmik of Ashram Para, Julaibari, P.O. Julaibari, P.S. Baikhura, Dist. South Tripura

.....Petitioner(s);

Versus

Sri Biswajit Biswas, S/o Lt. Adhir Ch. Biswas of Madhya Para, P.S. Amtali, Dist- West Tripura, PIN-799130

.....Respondent(s).

For Petitioner(s) : Ms. Paramita Sen, Advocate.

For Respondent(s) : None.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

16/04/2025

Heard Ms. Paramita Sen, learned counsel for the petitioner.

2. Despite valid service of notice, respondent has not appeared till date.

3. Petitioner-wife seeks transfer of T.S.(R.C.R) No.72 of 2023 from the Court of learned Family Judge, West Tripura, Agartala to the Court of learned Family Judge, South Tripura, Belonia. The marriage between the parties was solemnized on 03.10.2002. She has moved out of the matrimonial home due to physical and mental torture for demand of further dowry. She has filed a divorce case bearing T.S.(Div) No.30 of 2023 before the learned Family Court, South Tripura, Belonia. Thereafter, the husband has filed this restitution case against her at Agartala.

4. Learned counsel for the petitioner submits that petitioner will not be able to pursue the case before learned Family Court, West Tripura, Agartala

as she is residing in South Tripura which is at a considerable distance from Agartala and moreover both the cases need to be heard together otherwise it may lead to conflict of decisions.

5. Learned counsel for the petitioner further submits that in the aforesaid circumstances, T.S.(R.C.R) No.72 of 2023 pending before the learned Family Court, West Tripura, Agartala may be transferred to the learned Family Court, South Tripura, Belonia so that both the matrimonial suits can be heard by the same Court.

6. There is no objection to the prayer since respondent has chosen not to enter appearance despite valid service of notice.

7. Having regard to the aforesaid facts and circumstances and upon hearing learned counsel for the petitioner, this Court is of the opinion that since the husband and wife both have lodged separate matrimonial suits and the petitioner-wife is residing at South Tripura where T.S. (Divorce) 30 of 2023 instituted by her is pending, in the fitness of things, T.S.(RCR) No.72 of 2023 instituted by the petitioner-husband before the learned Family Court, West Tripura, Agartala deserves to be transferred to the same Family Court, South Tripura, Belonia so that both the matters can be heard and decided together. Moreover, petitioner is residing in South Tripura which is at a considerable distance from West Tripura, Agartala and, therefore, she may not be able to defend herself in the restitution matter.

8. Ordered accordingly.

9. Let the records of T.S.(R.C.R) No.72 of 2023 be transferred to the learned Family Court, South Tripura, Belonia from the learned Family Court, West Tripura, Agartala.

10. The instant petition is disposed of. Pending application(s), if any, shall also stand disposed of.

(APARESH KUMAR SINGH), CJ



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