

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_
TRP(C) No.12 of 2025

Smt. Sudipta Dhar, aged 41 years, wife of Sri Rathindra Kumar Dey, daughter of late Sudhangshu Dhar, C/O. Rani Chakraborty, resident of 29 office lane, P.O. Agartala, P.S. West Agartala, District- Tripura West, Pin-799001.

..... Petitioner(s)

V E R S U S

Sri Rathindra Kumar Dey, aged 51 years, son of Sri Rabindra Kumar Dey, resident of East Chandrapur, P.O. Chandrapur, P.S. & Sub-Division Dharmanagar, District- North Tripura, Mob: 9862730972.

..... Respondent(s)

For Petitioner(s) : Mr. Asutosh De, Advocate.

For Respondent(s) : None.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

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23/04/2025

Service of notice upon the respondent is complete but he has not appeared to contest the petition.

Heard Mr. Asutosh De, learned counsel appearing for the petitioner.

Petitioner-wife seeks transfer of T.S.(RCR) No.01 of 2025 along with Civil Misc. No.01 of 2025 from the Court of learned Family Judge, Dharmanagar, North Tripura to the Court of learned Family Judge, Agartala, West Tripura. Petitioner is posted as an employee under the District Magistrate & Collector, Agartala. Her marriage was performed on 06.06.2003 as per Hindu rites and customs. Since no child was born they adopted a girl child, namely, Sanvi Dey on 27.06.2018 as per a deed of adoption executed by Rathindra Kumar Dey, Sudipta Dey Dhar and Gobinda

Roy. However, it was found that the girl is suffering from birth disease. She has been taken for treatment at higher centres up to Delhi and Bangalore. However, her health has not regained. The respondent is a drug addict who consumes drug and alcohol on regular basis. He has tortured the petitioner which has compelled her to move out of the matrimonial home. The disability certificate is annexed at (Annexure-1). Discharge certificate of the respondent from one De-addiction and Rehabilitation Centre at Cachar, Assam is annexed at (Annexure-2).

It is submitted that in such circumstances, petitioner will not be able to contest the suit before Dharmanagar, North Tripura as she is residing in Agartala which is at a considerable distance from Dharmanagar. Therefore, she has approached this Court in the present petition.

Mr. Asutosh De, learned counsel for the petitioner submits that the adopted girl child who is suffering from disability is living with the petitioner-mother. She is not in a position to contest the suit at Dharmanagar, North Tripura as she is residing in Agartala which is at a considerable distance from Dharmanagar. Therefore, the suit may be transferred to Agartala, West Tripura.

There is no opposition to the prayer as the respondent despite service of notice has not appeared to contest the case.

Upon consideration of the submission of learned counsel for the petitioner and the materials placed from record, it appears that the petitioner-wife has made out a *prima facie* case for transfer of T.S.(RCR) No.01 of

2025 along with Civil Misc. No.01 of 2025 from the Court of learned Family Judge, Dharmanagar, North Tripura to the Court of learned Family Judge, Agartala, West Tripura since not only is she employed in the office of District Magistrate & Collector, Agartala but has to maintain the girl child taken on adoption and suffering from congenital disabilities. In such a situation, the matrimonial suit may remain uncontested. Therefore, let T.S.(RCR) No.01 of 2025 along with Civil Misc. No.01 of 2025 be transferred from the Court of learned Family Judge, Dharmanagar, North Tripura to the Court of learned Family Judge, Agartala, West Tripura.

Ordered accordingly.

The instant petition is disposed of.

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

(APARESH KUMAR SINGH) CJ

DIPESH DEB

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