

**HIGH COURT OF TRIPURA
AGARTALA**

Tr.P.(C) No.13/2025

Smt. Gopa Sarkar, W/O. Shri Prahllad Das, D/O. Kalipada Sarkar, of Malbasa,
P.O.-Dhalak, P.S.-Birganj, Amarpur, Gomati District, Tripura.

..... Petitioner(s).

V E R S U S

Shri Prahllad Das, S/O. Parimal Das, Haripur 12 Card, P.O.-Gandacherra, P.S.-
Gandacherra, Dhalai District, Tripura.

..... Respondent(s).

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

For Respondent(s) : Ms. Sutapa Deb Barman, Advocate.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

21/05/2025

Heard Mr. Debasish Datta, learned counsel for the petitioner-wife
and Ms. Sutapa Deb Barman, learned counsel for the respondent-husband.

Petitioner-wife seeks transfer of T.S (Divorce) No.02 of 2025
from the Court of learned District Judge, Dhalai District, Ambassa to the Court
of learned Judge, Family Court, Gomati District, Udaipur.

Marriage between the parties was solemnized on 21.09.2017. As a
result of physical and mental torture, petitioner complains that she was driven
out of the matrimonial home on 26.12.2017 when she was pregnant. She gave
birth to a male child on 01.07.2018. However, the respondent never took care
to provide any maintenance to her. She is residing in her parental home at
Amarpur, Gomati Tripura. She has been granted maintenance @ Rs.5,000/- in
a case under Domestic Violence Act vide order dated 23.03.2022 by the
competent Court at Amarpur. Respondent has filed a suit for restitution of
conjugal rights earlier which was decreed ex parte due to lack of proper

effective notice being T.S (RCR) No.02 of 2022. Thereafter, he has filed a divorce case on 19.02.2025 before the learned District Judge, Dhalai. Respondent is a government employee. Petitioner in such circumstances will not be able to properly contest the suit which may lead to miscarriage of justice. Therefore, petitioner has prayed for transfer of the suit.

Learned counsel for the respondent Ms. Sutapa Deb Barman has opposed the prayer. She submits that since the petitioner-wife was avoiding restitution of conjugal rights, therefore the respondent has been compelled to seek divorce. Respondent may have genuine difficulty in prosecuting the suit if it is transferred from the Court of learned District Judge, Dhalai District, Ambassa to the Court of learned Judge, Family Court, Gomati District, Udaipur.

I have considered the submission of learned counsel for the parties and taken note of the materials placed from record.

It appears that the wife is residing at her parental home with a minor son born out of the wedlock. Therefore, she may not be able to properly contest the suit at Ambassa since Ambassa and Udaipur are separated by a considerable distance and it would not be possible for her to commute to Ambassa, Dhalai District on the dates on which the proceedings are held. This may lead to the divorce suit remaining uncontested and possible miscarriage of justice.

In such circumstances, therefore, this Court is satisfied that the petitioner has made out a case of transfer of the matrimonial suit from the Court of learned District Judge, Dhalai District, Ambassa to the learned Family Court, Gomati District, Udaipur.

Let the records of T.S (Divorce) No.02 of 2025 be transferred from the Court of learned District Judge, Dhalai District, Ambassa to the Court of learned Judge, Family Court, Gomati District, Udaipur forthwith.

Ordered accordingly.

The transfer petition is accordingly disposed of.

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

(APARESH KUMAR SINGH), CJ

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