

**HIGH COURT OF TRIPURA
AGARTALA**

Tr. P.(C). No.17 of 2025

Smt. Kabita Debbarma, W/o Sri Rabindra Debbarma, D/o Sri Mantu Debbarma, resident of Vill- Khwmlung Radhapur, P.O. – Kunjaban, P.S. Radhapur, District – West Tripura, PIN-799045. Presently residing at C/o Sri Mantu Debbarma, resident of Vill- Krishna Kumar Para (Kachimcherra), PS-Ambassa, District – Dhalai Tripura.

..... Petitioner(s).

V E R S U S

Sri Rabindra Debbarma S/o Sri Balaram Debbarma, Vill- Khwmlung Radhapur, P.O. Jamejoynagar, P.S. Radhapur, District – West Tripura, Pin-799045. Presently residing at C/o Chittaranjan Debbarma, resident of Jahar Colony, Damcherra, PS-Damcherra, District – North Tripura, PIN-799256.

..... Respondent(s).

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

For Respondent(s) : None.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

25/06/2025

Heard Ms. Paramita Sen, learned counsel for the petitioner. Despite valid service of notice respondent has not entered appearance to contest the prayer.

2. The case of the petitioner is reflected in the order dated 23.04.2025, the relevant extract of which is reproduced hereunder:

“The marriage between the parties was solemnized on 04.02.2012. A daughter was born out of the wedlock. However, the petitioner had to leave the matrimonial home due to physical and mental torture. Thereafter, the respondent-husband has filed TS (Divorce) No.17 of 2024 before the learned District Judge, North Tripura, Dharmanagar.

Ms. Paramita Sen, learned counsel for the petitioner, submits that the petitioner is residing with her parents in Dhalai District. She is unable to contest the divorce suit at Dharmanagar as it is not only separated by a considerable distance, but the petitioner does not have any independent source of income. There is no other criminal case pending between the parties. Therefore, the petitioner has approached this Court for transfer of TS (Divorce) No.17/2024 from the

Court of learned District Judge, North Tripura, Dharmanagar to learned Family Court, Dhalai District, Ambassa. The suit is at the stage of service of summons.”

3. Learned counsel for the petitioner submits that on account of the distance between the two places i.e. Dhalai and Dharmanagar and also the fact that the petitioner is without any independent sources of income, the divorce suit before the learned District Judge, North Tripura, Dharmanagar may remain uncontested.

4. Learned counsel for the petitioner submits that for the aforesaid reasons, TS (Divorce) No.17 of 2024 may be transferred from the Court of learned District Judge, North Tripura, Dharmanagar to learned Family Court, Dhalai District, Ambassa.

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

6. On consideration of the submission of the learned counsel for the petitioner and the materials placed from record, this Court finds that the petitioner is without any independent sources of income and staying with her parents in Dhalai which is separated by a considerable distance from North Tripura, Dharmanagar. She may, therefore, not be able to properly contest the suit and it may lead to miscarriage of justice. In such cases, the primacy of convenience is in favour of the petitioner-wife.

7. Therefore, this Court is of the opinion that TS (Divorce) No.17 of 2024 deserves to be transferred from the Court of learned District Judge, North Tripura, Dharmanagar to learned Family Court, Dhalai District, Ambassa.

8. Accordingly, the prayer is allowed. Let the records of TS (Divorce) No.17 of 2024 be transferred from the Court of learned District Judge, North Tripura, Dharmanagar to learned Family Court, Dhalai District, Ambassa.

9. Ordered Accordingly.

Interim stay order, if any, stands vacated.

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

(APARESH KUMAR SINGH), CJ