

**HIGH COURT OF TRIPURA
AGARTALA**

Tr.P.(C) No.21 of 2025

Smt. Satabdi Sinha, W/o Sri Sandip Sinha, D/o Sri Pran Pratim Sinha, resident of Village – Ichabpur, P.O. Ichabpur, P.S. – Kailashahar, Sub-division – Kailashahar, District – Unakoti Tripura.

.....Petitioner(s);

Versus

Sri Sandip Sinha, S/o Late Swapan Kumar Sinha, resident of Village – Kanchanbari (Borodighi), P.O – Kanchanbari, P.S. Fatikroy, Sub-Division – Kumarghat, District – Unakoti Tripura.

..... Respondent(s);

For Petitioner(s) : Ms. Asmita Banik, Advocate.

For Respondent(s) : Mr. Prasenjit Saha, Advocate,
Mr. Richard Sinha, Advocate.

HON'BLE THE CHIEF JUSTICE MR. M.S. RAMACHANDRA RAO

O-R-D-E-R

20/09/2025

This instant petition is filed seeking transfer of T.S. (Div) No.113/2025 from the Court of the Addl. Judge, Family Court, Court No.2, Agartala, West Tripura to the Court of the Judge, Family Court, Kailashahar, Unakoti Tripura.

2. The respondent herein filed the said divorce petition against the petitioner seeking divorce.

3. The petitioner contends that she is a resident of Kailashahar, Unakoti District. Her parents have their own house at Kanchanbari. The marriage was also solemnized at Unakoti District and she is residing there along with her senior citizen parents. She also stated that her father is unwell and he cannot accompany her to travel to Agartala which is at a long distance away from Kailashahar.

4. Notice was issued to the respondent who contended that the daughter of the parties is studying in Kendriya Vidyalaya No.1, Kunjaban, Agartala, and that the certificate at Annexure-1, dated 28.08.2025, supports the said fact. He also contended that the petitioner is making withdrawals in Agartala from her bank account in the Punjab National Bank.

5. The respondent, however, does not dispute the fact that the parents of the petitioner are placed in Kailashahar, Unakoti District, Tripura, and the marriage was also solemnized there. On what basis the respondent sought to invoke the jurisdiction of the Court at Agartala, the respondent is unable to explain, particularly when he is employed in the Air Force and said to have been posted in Coimbatore currently.

6. Admittedly, the petitioner has also filed a case under Section 125 of the Cr.P.C. before the Judge, Family Court, Kailashahar, Unakoti Tripura and maintenance have been awarded to her by the said Court on 21.03.2024. No opposition was made to the filing of the petition under Section 125 of the Cr.P.C. in that Court on the grounds that the petitioner was not residing in Kailashahar by the respondent in the said proceeding.

7. Normally, if there is dispute between the husband and wife, and the wife is not staying with the husband, it is natural for her to stay with her parents at the parental residence so that she gets adequate moral support from the parents. Therefore, this Court does not find any valid reason to reject the transfer petition and accept the objections filed by the respondent.

8. Accordingly, the instant petition is allowed and T.S. (Div) No.113/2025 pending on the file of the Addl. Judge, Family Court, Court No.2, Agartala, West Tripura is transferred to the Court of the Judge, Family Court, Kailashahar, Unakoti Tripura.

9. Interim stay order stands vacated. Pending application(s), if any, shall also stand disposed of. No costs.

(M.S. RAMACHANDRA RAO, CJ)

