

**HIGH COURT OF TRIPURA
AGARTALA**

Tr.P.(C) No.28 of 2025

Smt. Sudipta Dhar, W/o Shri Rathindra Kumar Dey, D/o Late Sudhangshu Dhar, C/o Rani Chakraborty, Resident of 29 Office Lane, PO- Agartala, PS- West Agartala, Dist- Tripura West, Pin- 799001

.....Petitioner(s);

Versus

1. Shri Rathindra Kumar Dey alias Rathindra Kumar Deb, S/o Shri Rabindra Kumar Dey, Resident of East Chandrapur, PO- Chandrapur, PS & Sub-Division: Dharmanagar, Dist- North Tripura, Mob- 9862730972

2. Smt. Sukla Kar, W/o Shri Mritunjoy Dey alias Mritunjoy Deb, resident of East Chandrapur, PO- Chandrapur, PS and Sub-Division- Dharmanagar, Dist- North Tripura.

3. Shri Mritunjoy Dey alias Mritunjoy Deb, S/o Late Rabindra Kumar Dey, resident of East Chandrapur, PO- Chandrapur, PS & Sub-Division- Dharmanagar, Dist- North Tripura

4. Smt. Nandita Dey Kanungo, W/o Shri Gopal Kanungo, D/o Late Rabindra Kumar Dey of Hospital Road, PO- Dharmanagar, PS & Sub-Division- Dharmanagar, Dist- North Tripura

.....Respondent(s)

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

For Respondent(s) : Mr. Sankar Lodh, Advocate.

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

Order

12/12/2025

This application is filed under Section 24 of the Civil Procedure Code, 1908 [CPC, *for short*] seeking transfer of T.S. 33 of 2025 from the Court of the Civil Judge (Sr. Divn.), Court No.2, Dharmanagar, North Tripura to the Court of the Civil Judge (Sr. Divn.), Agartala, West Tripura.

2. Petitioner is the wife of the first respondent.

3. The third respondent is the brother of the first respondent, the second respondent is the wife of the third respondent, and the fourth respondent is the sister of the first respondent.

4. The first respondent had filed the said suit against the petitioner by impleading the other respondents as proforma defendants for declaration that he along with the proforma defendants/respondents No.3 & 4 have right, title, interest, and possession over the “A” Schedule property, for a decree for confirmation of possession of the first respondent in respect of the said land, and other reliefs.

5. In this application for transfer, the petitioner contended that a girl child was adopted by the petitioner and the first respondent on 27.06.2018, but the child is suffering from congenital birth disease i.e. Cerebral Palsy.

6. She also stated that the child is staying with her, and she is employed at Agartala.

7. She contended that she also has an aged ailing mother, and in these circumstances it is difficult for her to travel from Agartala to Dharmanagar where the suit is pending.

8. She therefore sought transfer of the suit to the Court of Civil Judge (Sr. Divn.), Agartala, West Tripura.

9. The first respondent filed a Counter Affidavit opposing the transfer.

10. He admitted that he and the petitioner had adopted the girl child in question on 27.06.2018, and that she is suffering from CP, and that though attempts were made to cure her, she could not be cured.

11. He also did not dispute that the petitioner is residing at Agartala, and that she is working here.

12. He referred to certain proceedings initiated by him against the petitioner before the Family Court, Agartala, West Tripura.

13. It is stated that he had no income, and it is not possible for him to come to Agartala to attend the Court.

14. He also raised a plea that the Civil Judge (Sr. Divn.), Agartala, West Tripura has no jurisdiction to try the suit, and the same cannot be transferred to Agartala.

15. Hardship of the party is undoubtedly a ground for affecting transfer of a case from one place to another.

16. The fact that the petitioner is employed at Agartala, and she has a child who is suffering from an incurable disease of CP, is not in dispute.

17. It is also pleaded by the petitioner that she has an aged parent who is also unwell.

18. It would thus be clear that it would cause great inconvenience to the petitioner if she had to travel to Dharmanagar in North Tripura to contest the suit filed by the first respondent against her.

19. In the judgment in *Syndicate Bank v. K. Gangadhar*¹ cited by the counsel for the first respondent, a request for transfer was made on the ground that another suit was pending at a different place and to enable same court to decide both the suits.

20. That was not a case where the transfer was sought by one spouse against another spouse on the ground of hardship.

21. Also, the transfer in the instant case is from Civil Judge (Sr. Divn.) Court at Dharmanagar to another Court of Civil Judge (Sr. Divn.) at Agartala. Therefore, it cannot be said that the latter Court is not competent to try or dispose of the case.

¹ I.L.R. 1991 KAR 4039

22. Therefore, the judgment passed by the Karnataka High Court has no relevance.

23. Therefore, this application is allowed, and T.S. 33 of 2025 filed before the Civil Judge (Sr. Divn.), North Tripura, Dharmanagar is transferred to the Court of Civil Judge (Sr. Divn.), Agartala, West Tripura.

(M.S. RAMACHANDRA RAO, CJ)



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